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**The World's Classics**

**CDLVIII**  
**SPEECHES AND**  
**DOCUMENTS ON**  
**INTERNATIONAL**  
**AFFAIRS**  
**1918-1937**

**II**

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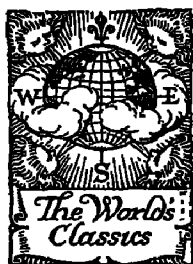
# **SPEECHES AND DOCUMENTS ON INTERNATIONAL AFFAIRS**

**1918-1937**

*Edited with an Introduction by*

**ARTHUR BERRIEDALE KEITH**

**DCL, DLitt, LL.D.**



**VOLUME II**

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## XXXIX

### AUSTRIAN RELATIONS WITH GERMANY AND ITALY

#### 1. *Protocols signed by Austria, Hungary, and Italy, in Rome, March 17, 1934*

##### (a) *Protocol No. 1.*

The Head of the Government of His Majesty the King of Italy, the Federal Chancellor of the Austrian Republic, and President of the Royal Council of Hungary, animated by a desire to co-operate in the maintenance of peace and in the economic restoration of Europe, on the basis of respect for the independence and rights of every State; persuaded that collaboration between the three Governments in this sense can establish real premises for wider co-operation with other States, undertake, for the achievement of the above-mentioned objects, to concert together, on all problems which particularly interest them and also on those of a general character, with the aim of developing in the spirit of the existing Italo-Austrian, Italo-Hungarian, and Austro-Hungarian Treaties of Friendship based upon the recognition of the existence of their numerous common interests, a mutually agreed policy which shall be directed towards effective collaboration between European States and particularly between Italy, Austria, and Hungary

To this end, the three Governments will proceed to common consultation each time that at least one of them may consider this course opportune

L S BENITO MUSSOLINI

L.S ENGELBERT DOLLFUSS

L S JULIUS DE GOMBOS

##### (b) *Protocol No 2*

The Governments of Italy, Austria, and Hungary, animated by a desire to develop the economic relations

between Italy and Austria, Italy and Hungary, and Austria and Hungary, by giving a new impetus to the exchange of their products and by opposing in every way the unhealthy tendencies of economic self-sufficiency, and to favour by concrete measures the work of economic reconstruction in the Danubian States, in harmony with the spirit of the decisions of the Stresa Conference and with the principles contained in the Danubian Memorandum, submitted by Italy and dated September 29, 1933, are agreed upon the following provisions

#### Article 1

The Governments of Italy, Austria, and Hungary undertake to extend the scope of the agreements actually in force by increasing facilities for reciprocal exports, thereby benefiting to the greatest possible extent from the complementary character of their respective national economies. In order to carry out this, new bilateral agreements shall be concluded before May 15, 1934

#### Article 2

The Governments of Italy, Austria, and Hungary, being desirous of adopting the necessary measures for overcoming the difficulties of Hungary, due to the fall in the price of wheat, these agreements shall be concluded as soon as possible, and, in any case, before May 15, 1934.

#### Article 3

The three Governments undertake to facilitate and develop as far as possible transit traffic in the ports of the Adriatic. With this object, bilateral treaties shall be concluded as soon as possible.

#### Article 4

The three Governments will establish a permanent commission of three experts whose duty shall be to study the evolution of economic relations between the three countries, and to formulate concrete proposals capable of

realizing the greatest possible development of these relations in accordance with the spirit of the present Protocol.

L S BENITO MUSSOLINI

L S ENGELBERT DOLLFUSS

L S JULIUS DE GOMBOS.

*(c) Protocol No 3*

The Italian Government and the Government of the Austrian Federal Republic, experience having demonstrated that their national economies are, to a great extent, complementary, have decided to take steps to develop and further the economic relations between the two countries. With this object, they have agreed upon the following provisions

Article 1

Negotiations will be initiated on April 5, 1934, between the two Governments for the conclusion of a new agreement designed to develop and adapt to existing circumstances the present economic relations between the two countries. The new agreement shall be concluded as soon as possible and, in any case, before May 15, 1934

Article 2

The subject of the agreement mentioned in the preceding Article has been determined as follows

The concession of a preferential régime in favour of the largest possible number of original products and products coming from Austria on their importation into Italy

In so far as concerns the preceding clause, the two Contracting Parties will take into account the necessity of maintaining the concessions within reasonable limits, according to the principle laid down in paragraph (c) of Article 11 of the Danubian Memorandum submitted by Italy and dated September 29, 1933

It is agreed to proceed before May 15, 1934, to the preparation of two lists of which one will indicate the products for which the concession of Customs privileges can be facilitated by means of the conclusion of agreements between the interested producers of the two countries,



and of which the other will include the products for which concessions are recognized as applicable independently of any agreement between the producers themselves

In so far as concerns the products included in the first list, the two Governments undertake to adopt measures to expedite and facilitate the conclusion of industrial agreements

The three protocols have been drawn up in two copies, one in German and the other in Italian. The Italian text prevails

L. S. BENITO MUSSOLINI

L. S. ENGELBERT DOLLFUSS

L. S. JULIUS DE GOMBOS

## *2. Herr Hitler to Herr von Papen, July 27, 1934*

MY DEAR HERR VON PAPEN,

In consequence of the events in Vienna I have been compelled to propose to the Reich President the removal of the German Minister in Vienna, Dr. Rieth, from his post, because, at the demand of Austrian Ministers or Austrian insurgents, and without consulting the German Government, he showed himself ready to give his consent to an arrangement reached between these two parties for a safe conduct and withdrawal of the insurgents to Germany. The Minister thereby, without any reason, implicated the German Reich in an internal affair of Austria.

The attack on the Austrian Federal Chancellor, which the Reich Government must sharply condemn and regret, has aggravated, through no fault of ours, the already unstable political situation of Europe. It is accordingly my wish to contribute to a relaxation of the tension in the general situation, and particularly to see the relations with the German-Austrian State, which have long been troubled, led once more into normal and friendly paths.

For this reason I address to you, my dear Herr von Papen, the request to undertake this important task, precisely because during our collaboration in the Cabinet

you have possessed and possess my fullest and unlimited confidence

I have therefore proposed to the Reich President that, while retiring from the Reich Cabinet and being released from your office as Commissioner for the Saar, you should be appointed for a limited time to a special mission as German Minister in Vienna. In this position you will be directly responsible to myself.

Thanking you again to-day for everything you did to bring together the Government of the national uprising and have done since in collaboration with us for Germany.

I am, yours very sincerely,

ADOLF HITLER.

*3. Communiqué as to Meeting between Signor Mussolini and Herr von Schuschnigg, August 21, 1934*

TO-DAY, in the Villa De Marinis, two long conversations lasting altogether three hours were held between the head of the Italian Government and the Austrian Federal Chancellor.

In the course of these conversations those questions which interest the two countries in the political, economic, and cultural fields were minutely examined, and there was found to exist an effective community of views upon guiding principles and on the methods to be adopted as regards the independence and integrity of the Austrian State—an independence and integrity to which appertains also complete internal autonomy, and which, moreover, represents a concrete European interest and an element favourable to the maintenance of tranquillity in the Danubian sector.

The two Statesmen have confirmed—so far as the economic situation is concerned—the utility of the Protocols of Rome, the range of action of which can be intensified and enlarged, and they were in agreement in finding opportune the display of an activity designed to develop still further the spirit of collaboration between the two countries.

Those guiding principles which were initiated and championed by the late Chancellor Dollfuss will govern also in the future the relations between Italy and Austria

*Declaration by Herr von Schuschnigg, August 21, 1934*

After having taken over the Government I felt it to be a moral and political necessity to go at the earliest possible moment to Italy for a full exchange of views with the Duce and head of the Italian Government. It was a moral obligation in view of the fact that the Italian people and their Duce afforded us the fullest support, in the true sense of the word, on the occasion of the tragic events of July 25 when Chancellor Dollfuss was assassinated. The bonds of friendship which linked the late Chancellor with the head of the Italian Government were to have been further strengthened in a meeting at Riccione, but, unfortunately, that meeting was prevented from ever taking place. The friendship which the head of the Italian Government and Signora Mussolini have shown to the widow and children of the murdered Chancellor, and their kindness towards the family of Chancellor Dollfuss, will remain indelibly in the minds of the Austrian people.

The political motive of my visit finds its origin in my declarations that the Schuschnigg Government will carry on in every way the political inheritance of Chancellor Dollfuss. The main lines along which Chancellor Dollfuss guided the foreign policy of Austria were simple and clear, their basis was, in the first instance, economic, their essential aim was to reinforce economically the foundations of our State, and the efforts to carry this out naturally found support in Signor Mussolini's Danubian memorandum and the recommendations to the Stresa Conference. This recognition by the head of the Italian Government of the necessity of economic settlement in the Danubian Basin was the origin of the Rome protocols.

The fact that Italy has already given Austria such effective support in the struggle for the independence and integrity of our country lends special significance to the relations between Austria and Italy. The aim of these

relations is the appeasement of Europe, and this has been the basis upon which the conversations that I have had with the head of the Italian Government have been conducted. The conversations have included nothing new, since the relations between our two neighbouring States are so intimate, and rest upon such secure foundations, that I do not see any need for change either in these relations or in the executive measures necessary to give effect to them. It has, therefore, been a case only of examining and of developing our economic and political relations in the sense of the Rome agreements. This has been the basis of our discussions, and I can declare with great satisfaction that the conversations which the head of the Austrian Government has had with Signor Mussolini have resulted in complete agreement, both with regard to general problems and with regard to questions which are of particular concern to Austria and to Italy. I have found that the head of the Italian Government has a full understanding of the policy of the Federal Government of Austria—a policy which, on the basis of the maintenance of the absolute freedom and independence in our country, will always maintain its European, that is to say, its pacific character, and its aim, which is the political and economic reconstruction of our State.

In so far as relations with Germany are concerned, the fundamental basis of our policy remains unchanged. The present Government, following the example of the Dollfuss Government before it, is pledged to maintain and safeguard in every way the vital interests of our country, for whose future it is also responsible, and, further, to maintain freedom to make its own decisions with regard to internal and foreign policy. If in the recognition of this moral duty there should be any obstacle to the re-establishment of normal relations with Germany, such disturbance—and, indeed, relations have recently and expressly been stabilized—does not come from the part of Austria. Austria is a small country and naturally found itself solely in a defensive position (if evidence were needed, events have proved this conclusively). From the

moment that the offensive against Austria ceases, certain consequences are bound to follow. The Austrian Federal Government could not in any way change any of its fundamental principles. These principles have become permanent with the passage of time, and are naturally based upon the almost thousand years' mission of the German race in the Danubian Basin, a mission of which we have always been conscious. The justice of this situation has been recognized and emphasized by the various decisions of the Powers. Moreover, in these important international problems the line of policy indicated by the Federal Chancellor Dollfuss has been established as the basis of our policy for the future.

I should like finally to take advantage of this occasion to express to Italian public opinion, and no less to the Italian press, my very lively gratitude for their friendly reception and for the deep understanding which they have continually shown in the difficult times through which my country has passed.

I am anxious, in particular, to wish to the new Italy in the future, as it travels along the road by which Signor Mussolini, its genial Duce and the head of its Government, is leading it, that achievement and full success which are the principal guarantees of European peace.

#### *4. Three-Power Declaration, September 27, 1934*

AFTER having proceeded to a fresh examination of the Austrian situation, the representatives of France, the United Kingdom, and Italy have agreed in the name of their Governments to recognize that the Declaration of February 17, 1934, regarding the necessity of maintaining the independence and integrity of Austria in accordance with the Treaties in force, retains its full effect and will continue to inspire their common policy.

#### *5. Signor Mussolini, October 6, 1934*

NEVERTHELESS, we, since we feel and are strong, can once more offer the possibility of an agreement for which

precise *de facto* conditions exist. We have defended and will defend the independence of the Austrian Republic, an independence which has been consecrated by the blood of a Chancellor, who may have been small in stature but whose spirit and soul were great.

Those who assert that Italy has any aggressive aims, or that she wishes to establish some kind of protectorate over that Republic, are either ignorant of the facts or are consciously lying.

I take this opportunity of saying that the development of European history without Germany is inconceivable, but it is equally necessary that certain circles in Germany should not give the impression that it is Germany who wishes to withdraw herself from the course of European history.

## XL

### JAPAN AND CHINA

#### 1. *Japanese Note to France, Great Britain, and the United States, April 27, 1934*

JAPAN has not infringed the independence of China nor damaged her interests, nor has she the slightest intention of so doing. On the contrary, Japan sincerely desires to preserve the territorial integrity of China, and her unification and prosperity.

These aims should, fundamentally speaking, be attained by China herself, through the reawakening of her national energies and her own efforts.

Japan has no intention of trespassing upon the rights of other Powers in China. Their bona fide financial and commercial activities can produce nothing but beneficial results for China, results which Japan contemplates with satisfaction. Japan subscribes, naturally, to the principles of the open door and of equal opportunity in China. She is observing scrupulously all the treaties and agreements in force concerning that country.

Nevertheless, Japan cannot remain indifferent in face of possible intervention by a third party which, on any pretext whatsoever, is prejudicial to the maintenance of law and order in East Asia, where Japan, if only in view of her geographic position, has interests of vital importance. Consequently she cannot afford to have the question of China exploited by any third party for the execution of a selfish policy, which does not take into consideration the above-mentioned circumstances.

#### 2. *Sir John Simon, House of Commons, April 30, 1934*

THE communication of His Majesty's Ambassador in Tokyo to the Japanese Minister for Foreign Affairs on April 25, which, as I informed the House the other day, was a friendly inquiry, was to the effect that the principle

of equal rights in China was guaranteed very explicitly by the Nine-Power Treaty of 1922, to which Japan is a party, and that His Majesty's Government must, of course, continue to enjoy all rights in China which are common to all signatories or are otherwise proper, except in so far as their rights were restricted by agreements such as the consortium agreement, or in so far as Japan had special rights recognized by other Powers and not shared by them.

Sir Francis Lindley added that the anxieties regarding China expressed in the Japanese statement could not apply to the United Kingdom, since it was the aim of British policy to avoid the dangers to peace and the integrity of China to which the statement referred. His Majesty's Government naturally could not admit the right of Japan alone to decide whether any particular action, such as the provision of technical or financial assistance, promoted such a danger, if that had indeed been the implication of the statement, which they did not believe. Under Articles 1 and 7 of the Nine-Power Treaty, Japan had the right to call the attention of the other signatories to any action in China inimical to her security. This right provided Japan with safeguards and His Majesty's Government, therefore, assumed that the statement was not intended in any way to infringe the common rights of other Powers in China nor to infringe Japan's own treaty obligations.

In reply, Mr. Hirota, the Japanese Foreign Minister, indicated that His Majesty's Government were correct in this assumption. He assured His Majesty's Ambassador that Japan would observe the provisions of the Nine-Power Treaty and that the policy of the Japanese Government and of His Majesty's Government in regard to the treaty coincided. His Excellency stated in conclusion that Japan continued to attach the greatest importance to the maintenance of the open door in China and reaffirmed her acceptance of that policy.

I think that the statement made by the Japanese Foreign Minister is reasonably clear, and His Majesty's Government are content to leave this particular question where it



is. I would only add that His Majesty's Government are resolved to assist to the utmost possible extent the spirit of international co-operation in the progress of China towards peace and prosperity, and the maintenance of the spirit of harmony and goodwill in the Far East.

## THE ENTRY OF THE U.S.S.R. INTO THE LEAGUE OF NATIONS

### 1. *Government of the U S S R to the President of the League Assembly, September 15, 1934*

THE Soviet Government has received a telegram signed by a great many Members of the League of Nations—namely South Africa, Albania, Australia, Austria, Great Britain, Bulgaria, Canada, Chile, China, Spain, Estonia, Abyssinia, France, Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Rumania, Czechoslovakia, Turkey, Uruguay, and Yugoslavia—in which, pointing out both that the mission of the League of Nations is the organization of peace, and that this necessitates the general co-operation therein of all nations, they invite the Union of Soviet Socialist Republics to join the League of Nations and add its co-operation. Simultaneously, the Soviet Government has been officially informed by the Governments of Denmark, Finland, Norway, and Sweden of their favourable attitude to the entry of the Union of Soviet Socialist Republics into the League.

The Soviet Government, which has made the organization and consolidation of peace the main task of its foreign policy, and has never been deaf to proposals for international co-operation in the interests of peace, considering that, coming as it does from an overwhelming majority of Members of the League, this invitation represents the real will to peace of the League of Nations, and their recognition of the necessity of co-operation with the Union of Soviet Socialist Republics is willing to respond to it, and become a Member of the League, occupying therein the place due to itself, and undertaking to observe all the international obligations and decisions binding upon members in conformity with Article 1 of the Covenant.

## 14 THE ENTRY OF THE USSR INTO

The Soviet Government is especially glad to be coming into the League at a moment when the question of the amendment of the Covenant in order to bring it into harmony with the Briand-Kellogg Pact, and to banish completely international warfare, is being considered by it.

Since Articles 12 and 13 of the Covenant leave it open to States to submit disputes to arbitration or judicial settlement, the Soviet Government considers it necessary to make it clear that, in its opinion, such methods should not be applicable to conflicts regarding questions arising before its entry into the League.

I venture to express the hope that this declaration will be accepted by all Members of the League in that spirit of sincere desire for international co-operation and for ensuring peace to all nations in which it is made.

(Signed) MAXIM LITVINOV,  
People's Commissar for Foreign Affairs

### *2. Resolution of the Council of the League, September 15, 1934*

THE Council,

Having had communicated to it the letter of September 15, 1934, which has been addressed by the Union of Soviet Socialist Republics to the President of the Assembly with regard to that State's entering the League of Nations:

Decides, in virtue of the powers which it derives from Article 4 of the Covenant, to appoint the Union of Soviet Socialist Republics to be a permanent Member of the Council as soon as its admission into the League of Nations has been agreed to by the Assembly;

Invites the Assembly to approve this decision.

### *3 Resolution of the Assembly of the League, September 18, 1934*

THE Sixth Committee,

In consideration of the invitation addressed by thirty delegations to the Government of the Union of Soviet

Socialist Republics on September 15, 1934, with a view to the entry of the Union of Soviet Socialist Republics into the League, and of the communication on the same subject from the Governments of Denmark, Finland, Norway, and Sweden,

In consideration of the communication addressed to the President of the Assembly by the Government of the Union of Soviet Socialist Republics on the same day, in reply to those referred to above,

And in consideration of the fact that the Soviet Government states in its reply 'that it undertakes to observe all the international obligations and decisions binding upon Members in conformity with Article 1 of the Covenant'

Recommends the Assembly to admit the Union of Soviet Socialist Republics into the League of Nations.

## **XLII**

### **THE TRANSFER OF THE SAAR ADMINISTRATION**

#### *Agreement between the German Government and the Governing Commission, February 18, 1935*

THE Council of the League of Nations having decided on January 17, 1935, upon the union of the Saar Territory with Germany, and having fixed March 1, 1935, as the date for the re-establishment of Germany in the government of the Saar Territory, the German Government and the Governing Commission of the Saar Territory have agreed as follows with regard to the transfer of the administration of the Saar

#### **Article 1**

The administration of the Saar Territory shall pass into the hands of the German Government at midnight on the night of February 28/March 1, 1935

#### **Article 2**

As from March 1, 1935, the German Government shall take over all the assets and liabilities of the Governing Commission of the Saar Territory, including all special funds and all claims and commitments

#### **Article 3**

As from March 1, 1935, the German Government shall take over all contracts concluded by the Governing Commission. The Governing Commission declares that the contracts in question are all normal contracts compatible with a sound economic administration

The contracts mentioned in paragraph 1 above include, in particular, the contracts concluded by the Governing Commission with employees and workers

## Article 4

Judgements possessing force of law rendered by the Saar courts, including administrative courts, in civil, penal, administrative, and fiscal matters, shall be regarded as final and shall be treated as if they were judgements with force of law passed by German courts

## Article 5

Administrative decisions taken by the Governing Commission or the administrative authorities of the Saar, including concessions and the rights arising out of such decisions, shall be maintained and dealt with as if the said decisions had been taken by the German Government and authorities

## Article 6

The various administrations of the Saar Territory shall hand over their goods and property on the spot, on the basis of summary inventories

The records necessary for the purposes of regular administration shall also be handed over.

## Article 7

The Governing Commission shall hand over to the German Government a summary schedule of all its assets and liabilities, including special funds, and of all claims and commitments, as well as a list of all the contracts concluded by it in each administrative department as at February 28, 1935.

## Article 8

The present agreement shall enter into force on to-day's date

Done at Naples in duplicate on February 18, 1935.

For the German Government:  
(Signed) ULRICH VON HASSELL,  
(Signed) H. BERGER,  
(Signed) HERMANN VOIGT

For the Governing Commission of the Saar Territory  
(Signed) G. G. KNOX.

## XLIII

### THE PROJECT OF AN EASTERN PACT

#### 1. *Memorandum communicated by the French Ambassador, June 27, 1934*

I *Treaty of Regional Assistance to be signed by Poland, Russia, Germany, Czechoslovakia, Finland, Estonia, Latvia, Lithuania*

#### PART I

(1) THESE countries would bind themselves, in conformity with the Covenant of the League of Nations, immediately to lend assistance to one another in the case of attack by one Contracting State on another

(2) No support would be given by any of the signatories to an aggressor country not a party to the Treaty

#### PART II

(3) In the case of attack or of threatened attack by a contracting country, the other parties would consult together with a view to avoid a conflict and in order to promote a return to peace

(4) The signatories would undertake the same commitment in the case of attack or of threatened attack by a Power which is not a signatory against a Signatory Power

(5) The consultations referred to in paragraphs (3) and (4) of Part II could extend to other interested Powers or to Powers entitled to participate in them by virtue of other treaties

(6) Where one contracting country could benefit from the provisions of Articles 10 and 16 of the Covenant of the League, the other signatories would undertake to secure a complete application of such provisions by the League of Nations

## II *Agreement between France and Russia*

(1) As towards France,<sup>1</sup> Russia would accept the obligations arising from the Treaty of Locarno as though the Soviet Union were a signatory of that Treaty on the same footing as Great Britain or Italy

(2) As towards Russia,<sup>1</sup> France would accept the commitments which would arise for her under Part I, paragraphs (1) and (2), of the Regional Treaty if she were a signatory, in cases where it is a question of action in fulfilment of Article 16 of the Covenant, or decisive action taken by the Assembly or the Council in fulfilment of paragraph 7 of Article 15 of the Covenant

(3) France would be invited, if the case arose, to participate in the consultations provided for in the Treaty of Regional Assistance under the terms of Article (3) of Part II

## III *A General Act*

*Signatories*—All States signatories of the Treaty of Regional Assistance and, in addition, France—

(a) The two preceding treaties are recognized as being of a character to contribute to the maintenance of peace.

(b) They are without prejudice to the obligations and rights of the contracting parties as members of the League of Nations

(c) The entry into force of the three Acts is subject to their ratification and to the entry of Russia into the League of Nations

<sup>1</sup> As a result of an Anglo-French meeting in London on July 11 and 12, 1935, the words 'and Germany' were added after 'France' in paragraph (1), and after 'Russia' in paragraph (2) of the Agreement between France and Russia. The obligations assumed by Russia and France in this Agreement were thereby made to apply not only in relation to France and Russia respectively, but also in relation to Germany (see No. 2)

It was further agreed at this meeting that the conclusion of such a pact and Germany's participation in the system of reciprocal guarantees now contemplated would afford the best ground for the resumption of negotiations for the conclusion of a convention such as would provide for a reasonable application of the principle of German equality of rights in armaments within a regime of security for all nations



*2. Memorandum communicated by the German Chargé d'Affaires, September 10, 1934*

IN June this year the French Government and the Government of the Union of Socialist Soviet Republics verbally informed the German Government of the broad outlines of the plans for a so-called Eastern Pact of Mutual Assistance. In July the British Government transmitted a written draft of such a pact, according to this draft, the first part of the new pact system is to be a treaty between Germany, Poland, Russia, Czechoslovakia, Finland, Estonia, Latvia, and Lithuania, the chief provisions whereof are that, in the event of a crisis, these States undertake to proceed to joint consultations and in the event of an attack by one of the contracting parties upon another of the contracting parties they bind themselves to lend immediate military assistance to the country attacked. This eight-Power treaty is to be supplemented by an additional treaty between France and Russia in which Russia would undertake the same obligations as devolve on England and Italy as guarantors of the Locarno Rhine Pact and whereby, on the other hand, France would be considered as a signatory of the eight-Power treaty so far as Germany and Russia were concerned and would be entitled to participate in the consultations of these Powers.

Although the communications hitherto made to the German Government with regard to the plan have left many important points still open, they have made it their business to examine the fundamental principles of such a pact system. The information received gives rise to certain observations which the German Government desire to make at this stage to the interested Governments, in order thus to help to elucidate the situation.

There is an observation of a fundamental character which the German Government must make at the outset. They have in the course of the disarmament negotiations always advocated the view that by far the most effective means of guaranteeing the security of all countries would be general disarmament, or at least the establishment of

a reasonable and just proportion of armaments between the different States. At the same time, however, they have stated that they are also prepared to participate in other agreements of a political character so far as such complied with the demand for complete reciprocity and were actually calculated to serve as guarantees of peace. It has been with this idea in mind that the German Government have in particular repeatedly offered to conclude long-term non-aggression pacts with all neighbouring countries in which the use of force in any form is renounced. The German Government to this day adhere to this attitude. They desire nothing more than peace for Germany. They firmly reject all idea of aggressive conduct towards other States or the use of any kind of force in international relations. It is, however, likewise logical that they cannot participate in any kind of new international systems of security so long as other Powers feel justified in contesting German equality of rights with regard to armaments. A self-respecting nation cannot be expected to enter into a special political association with other Powers, if the latter simultaneously treat it as a second-class nation with minor rights in a question which is inseparably connected with the object of the said association. Moreover, any system of security which is not firmly based upon equality of military rights must necessarily in practice work to the disadvantage of the State against which the differentiation is exercised. In view of the protracted discussions concerning the reciprocal relationship between security and disarmament, the five-Power declaration of December 1932, the facts which led to Germany's withdrawal from the Disarmament Conference and the League of Nations, and more especially the disarmament negotiations between the Great Powers in the early months of this year, the German Government did not expect to be called upon now to participate in a pact system involving extensive new obligations, while Germany's equality is still being treated as an open question. According to the documents transmitted by the British Government the latter have obtained the consent of the French Government to a

## 22 THE PROJECT OF AN EASTERN PACT

declaration bringing the conclusion of the proposed pact into relationship with the negotiations on disarmament questions. This declaration, however, confirms rather than dispels the apprehensions of the German Government with regard to the intentions of the initiators of the plan. 'The conclusion of such a pact and Germany's participation in the system of reciprocal guarantees now contemplated'—so it reads in the British documents—'would afford the best ground for the resumption of negotiations for the conclusion of a convention such as would provide for a reasonable application of the principle of German equality of rights in a régime of security for all nations'. The interpretation given to this declaration by the authors of the plan is clearly expressed in a public speech made by the French Minister for Foreign Affairs, when he stated that 'there can be no question of disarmament matters being negotiated parallel to the Eastern Pact, it can only be said that the conclusion of the Eastern Pact might, perhaps, create a new atmosphere which would permit of the examination of the effect which this pact might have on disarmament'. With regard to this matter the German Government must emphasize with all precision that they cannot be a party to such a policy. It means that Germany is being called upon to do something in anticipation which is in no wise justified and which would have to be refused even if the form of the pact did justice to the German point of view. The negotiations with regard to the realization of Germany's equality of rights in the early months of this year led to almost complete agreement between the British, Italian, and German Governments, on the basis accepted by these three Powers they might rapidly and without difficulty have been brought to a conclusion, if all Powers concerned had manifested goodwill. If now the international settlement of the disarmament questions is to be postponed until the realization of the new demands for security, and thus left in a state of complete uncertainty, the German Government cannot agree to this, more especially as all the highly armed States have, since last

spring, proceeded to a further increase of armaments, thereby more and more reducing the prospects of a general limitation of armaments, to say nothing of general disarmament

Another point arises in connexion with the above-mentioned matter. Under the present scheme the entry into force of the new pact system is subject to the entry of the Union of Socialist Soviet Republics into the League of Nations. No mention is made in the plan of Germany's future relations to the League of Nations. Should this indicate that the authors of the plan are taking it for granted that Germany will return to the League of Nations as a matter of course, the German Government must refer to their declaration repeatedly made that Germany's future relationship to the League of Nations cannot be discussed so long as her equality of rights is in any way disputed from other quarters.

These decisive points having been made clear, the German Government desire to make the following observations with regard to the contemplated pact system itself.

It is evident that the essential substance of the system is the obligation of the contracting States to lend immediate assistance to one another in case of war. Thus the idea of joint State intervention in favour of an attacked State is once more discussed, an idea repeatedly brought forward in ever varying forms by certain quarters since the foundation of the League of Nations. All international negotiations conducted in connexion with the sanction clauses of the League Covenant regarding this idea have shown with increased evidence the extraordinary difficulties encountered by any attempt to introduce a collective pact system containing the obligation of automatic military assistance, which would in a crisis function justly and equally in regard to all parties. These difficulties hardly diminish if the suggestion of a system of sanctions and guarantees comprising all States or a large number of States is replaced by regional pacts between certain groups of States. Apart from circumstances and problems of quite a special nature,

such as exist, for example, in the case of the Locarno Rhine Pact, a regional pact system of this kind will in practice, as a general rule, either fail completely or will merely operate along the lines indicated by other political engagements and interests of the various Powers, and corresponding in no way to the object of the pact. Even on the supposition that at the critical moment the contracting parties will give preference to considerations of loyalty to the pact over other engagements and interests, it is difficult to imagine how such a pact could afford effective protection to partners of military inferiority against partners of strong military power. Moreover, the tendency to secure as far as possible the automatic functioning of the obligation to render assistance would involve the danger of the pact machinery being put into operation the more easily in an arbitrary way and by political machinations.

If the treaty system now proposed is examined from the points of view indicated above, serious doubts must arise whether, under the existing circumstances, this system can really be considered as an effective instrument of peace, functioning indiscriminately under all circumstances which might arise. The question arises as to what considerations have led to the selection of the eight Powers named as partners in the Eastern Pact. The further question cannot be avoided for what reason France is called upon to act as a guarantor of the Eastern Pact, and for what reason this guarantee is to be so stipulated in a special treaty that it only applies to Germany and the Soviet Union and not to the other contracting parties to the Eastern Pact. The serious complications which might arise from this or a similar grouping of Powers can easily be imagined if one considers the geographical situation of the Powers concerned, the individual interests pursued by their policies, and, furthermore, the fact that some of these countries are already bound by other political engagements. Far from desiring to cast doubt upon the loyalty of the Governments concerned, the German Government cannot feel convinced that the obligations

created by the new pact system would in every case prove sufficiently strong and would not come into conflict with given realities. The assistance contemplated in the pact is, in the case of war, to be given 'immediately', i.e., at once and unconditionally, no time being given to wait for the result of the consultation between the Governments or the decision of any other body, and no allowance being made for the concurrence of the States obliged to offer assistance. Is it not likely that, under such a system, the Powers obliged to lend assistance will have different views as to which of the States taking part in the conflict has been attacked? Might it not easily happen in the event of such a difference of opinion arising that either the attitude of the strongest Power or Powers would prove decisive and compel the other partners to follow suit, or that the question at issue would lead to the formation of opposing groups among the partners, resulting in a war of all against all? But, apart from the possibility of such differences of opinion, must it not lead to extraordinary difficulties in many cases if the contracting parties are bound not only to render military assistance, but also to permit foreign troops belonging to any other contracting party to march through their territories? Finally, it should not be left out of consideration whether the formation of such groups, so far as it actually increases the security of the contracting States, might for this very reason, under certain circumstances, cause reactions on States standing outside the association, which would not serve the general interest in the preservation of world peace.

The example of the Locarno Rhine Pact, which provides in definite circumstances for the automatic operation of the guaranteeing Powers' obligation to render assistance, cannot be cited as against these possibilities. The Rhine Pact regulates a very concrete and clearly defined political problem. Its scope was from the outset sufficiently clear to the limited circle of Powers concerned to enable them to form a definite judgement regarding the extent of their obligations. Complications of the nature indicated above are, as matters stand, practically out of the question.

There is no need to prove that matters would be essentially different in the case of the new pact

The Governments now supporting the plan of an Eastern Pact must appreciate that the German Government can only take into consideration such an extensive project with the utmost caution and after weighing carefully all eventualities. The central situation of Germany in the midst of heavily armed States makes this imperative. How could Germany undertake the obligation to intervene in conflicts of other States which cannot be foreseen and which do not concern her, or in which she is not interested? She would thereby make herself the battle-ground for all possible conflagrations in Europe and involve herself in dangers which no serious advocate of such a pact can possibly expect her to face. These apprehensions cannot simply be dispelled by stating that the object of the pact is precisely to prevent the outbreak of war and that therefore this eventuality need not be seriously considered. That is a *petitio principii*, for by so reasoning one takes for granted what, in the opinion of the German Government, must be a matter of doubt, namely, whether such a pact would actually have the effect of guaranteeing the maintenance of peace between the contracting States under all circumstances. It is therefore not feasible to dispel the apprehensions with regard to the consequences of the proposed pact provisions by expressing the mere hope that these provisions will never receive practical application.

Furthermore, Germany could hardly expect any real advantages from the pact which would balance the dangers referred to. The German Government cannot refrain from mentioning quite openly certain delicate points raised by the problem presented to them, since the other Governments have opened the plan of the Eastern Pact to public discussion, although they could scarcely have no doubt as to the German point of view. The German Government are under the impression that the entire additional treaty referring to the obligations to be undertaken by France and Soviet Russia is an edifice which is

neither called for or suggested by natural requirements of the situation in Eastern Europe nor by any need for greater stability of the Locarno system. Whatever may be the thoughts of the other Powers interested in Eastern questions or partners in the Locarno system with regard to the part now to be played by the two countries of France and Russia, Germany cannot see how she might gain thereby. Even if the additional treaty were so drawn up that the guarantee given by France and Russia were to act likewise in favour of Germany, this would, as a matter of fact, only constitute a formal parity. The German Government cannot imagine it a practical reality that Germany, one day, should be defended in her own territory by Soviet Russian troops against an attack in the west or by French troops against an attack in the east.

In expressing the aforesaid doubts and objections, the German Government do not wish to evade a joint examination of the question whether any, and if so what, new guarantees for security can be created for Europe or for certain parts thereof in addition to the settlement of the armament question. They are inclined to believe that, in general, the best results will be achieved by the method of bilateral agreements, because such agreements can always be adapted to the concrete circumstances, and therefore do not involve the risk of either remaining pure theories or of leading to complications. They do not, however, wish to reject altogether the idea of multilateral treaties. Should the other Governments wish to pursue the idea of multilateral pacts, the German Government would merely earnestly suggest that stress should not be laid on agreement to render immediate military assistance in case of war, but rather upon other methods of securing peace. The notion of a collective non-aggression obligation and that of consultation between the Powers interested, in a political crisis, present themselves in the first instance. As is known, both ideas have already been discussed in the course of the disarmament negotiations at Geneva, and were then generally accepted as a component part of the Disarmament Convention. They might, how-



ever, be further developed along various lines so that thereby real guarantees of peace would be created. Without entering into details, the German Government would merely desire to indicate the direction in which, in their opinion, further considerations might appropriately be carried on. Other possibilities need thereby not be excluded. They would only have to be considered from the point of view that the best guarantee of peace will always be not to prepare for war against war, but to extend and strengthen the means calculated to prevent any possibility of an outbreak of war.

## XLIV

### THE FRANCO-SOVIET PACT

**1. *Franco-Soviet Mutual Assistance Agreement, communicated by the French Minister for Foreign Affairs, May 2, 1935***

THE President of the French Republic and the Central Executive Committee of the Union of Soviet Socialist Republics, animated by the desire to consolidate peace in Europe and to guarantee its benefits to their respective countries by ensuring more completely the strict application of the provisions of the Covenant of the League of Nations, which aim at the maintenance of the national security, territorial integrity, and political independence of States;

Determined to devote their efforts to the preparation and conclusion of a European agreement with this object, and in the meantime to promote, as far as they are able, the effective application of the provisions of the Covenant of the League

Have decided to conclude a treaty with these objects and have appointed as their plenipotentiaries—

The President of the French Republic

M. Pierre Laval, Senator, Minister for Foreign Affairs;

The Central Executive Committee of the Union of Soviet Socialist Republics

M. Vladimir Potemkin, Member of the Central Executive Committee, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics to the President of the French Republic,

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions —

#### Article 1

In the event of France or the U S S R being threatened with or in danger of, attack on the part of a European

State, the U S S R , and, reciprocally, France, undertake to proceed mutually to immediate consultation as regards the measures to be taken for the observance of the provisions of Article 10 of the Covenant of the League of Nations

#### Article 2

In the event of France or the U S S R , in the circumstances specified in Article 15, paragraph 7, of the League of Nations Covenant, being the object, in spite of the genuinely peaceful intentions of both countries, of an unprovoked attack on the part of a European State, the U S S R , and, reciprocally, France, shall immediately give each other aid and assistance

#### Article 3

In consideration of the fact that under Article 16 of the Covenant of the League of Nations any member of the League who has recourse to war contrary to the obligations undertaken in Articles 12, 13, and 15 of the Covenant is *ipso facto* considered as having committed an act of war against all the other members of the League, France and, reciprocally, the U S S R undertake in the event of one of them being the object, in these circumstances and in spite of the genuinely peaceful intentions of both countries, of an unprovoked attack on the part of a European State, to give each other immediately aid and assistance in execution of Article 16 of the Covenant

The same obligation is assumed in the event of France or the U S S R being the object of an attack on the part of a European State in the circumstances specified in Article 17, paragraphs 1 and 3 of the Covenant of the League of Nations

#### Article 4

The obligations laid down above being in conformity with the obligations of the high contracting parties as members of the League of Nations, nothing in the present Treaty shall be interpreted as restricting the mission of the

League to take appropriate measures to safeguard effectively the peace of the world or as restricting the obligations laid upon the High Contracting Parties by the Covenant of the League of Nations

#### Article 5

The present Treaty, of which both the French and Russian texts are equally valid, shall be ratified and the instruments of ratification exchanged at Moscow as soon as possible. It shall be registered with the Secretariat of the League of Nations.

It shall come into force as soon as the ratifications have been exchanged, and shall remain in force for five years. If it has not been denounced by either of the High Contracting Parties giving notice of denunciation at least one year before the expiration of this period, it shall remain in force for an unlimited period, each of the High Contracting Parties being at liberty to terminate it at a year's notice by a declaration to that effect.

In witness whereof the Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done at Paris, in duplicate, this 2nd day of May, 1935.

#### *Protocol of Signature*

At the moment of proceeding to the signature of the Franco-Soviet Mutual Assistance Agreement of to-day's date, the plenipotentiaries have signed the following protocol, which shall be included in the exchange of ratifications of the Treaty —

I. It is agreed that the effect of Article 3 is to compel each Contracting Party immediately to give assistance to the other by complying forthwith with the recommendations of the Council of the League of Nations as soon as they shall have been made in accordance with Article 16 of the Covenant. It is further agreed that the two Contracting Parties will take joint action to ensure that the Council issue their recommendations with all the speed required by the circumstances of the case, and that, should the Council nevertheless, for some reason, make

no recommendation or fail to reach a unanimous decision, effect shall nevertheless be given to the obligation to render assistance. It is also agreed that the provisions for mutual assistance embodied in this Treaty refer only to the case of an attack on either of the Contracting Parties' own territory

II The joint purpose of both Governments being in no way to invalidate by the present Treaty the obligations previously undertaken by France and the U S S R towards third countries, in published treaties, it is agreed that effect shall not be given to the provisions of the aforesaid Treaty in a way which, being inconsistent with the treaty obligations assumed by one of the Contracting Parties, would expose the latter to sanctions of an international character

III The two Governments, recognizing the desirability of concluding a regional agreement aiming at the organization of security as between the Contracting States and which, furthermore, might contain or be accompanied by provisions for mutual assistance, leave each other free to become parties, by mutual consent and should the occasion arise, to agreements of this nature, in such form, direct or indirect, as may seem appropriate, the obligations undertaken in these various agreements being intended to take the place of those assumed in the present Treaty

IV. The two Governments declare that the negotiations which have just resulted in the signature of the present Treaty were originally started with a view to drawing up a security agreement covering all the countries of North-Eastern Europe, namely, the U S S R, Germany, Czechoslovakia, Poland, and the Baltic States neighbours of the U S S R, besides this agreement a treaty of assistance between the U S S R, France, and Germany was to have been concluded, under which each of these three States would be pledged to come to the assistance of that one among them which had been the object of an attack by one of these three States. Although circumstances have not hitherto permitted the conclusion of these agreements,

which the two parties continue to regard as desirable, it is nevertheless the case that the obligations laid down in the Franco-Soviet Assistance Agreement should be understood as coming into play only within the limits contemplated in the tripartite agreement previously projected. Apart from the obligations resulting from the present Treaty, attention must at the same time be called to the fact that, in accordance with the Franco-Soviet Pact of Non-Aggression signed on the 29th November, 1932, and without prejudice to the universal character of the obligations laid down in this pact, in the event of either of the two parties being the object of an attack on the part of one or several other European Powers not referred to in the above-mentioned tripartite agreement, the other Contracting Party must abstain, during the period of the conflict, from giving any aid or assistance, direct or indirect, to the aggressor or aggressors, each party, moreover, declaring itself to be bound by no assistance agreement which would be inconsistent with this obligation.

Done at Paris, this 2nd day of May, 1935

PIERRE LAVAL

VLADIMIR POTEMKIN

## 2. *Herr Hitler's Speech to the German Reichstag, May 21, 1935*

### 'THE THIRTEEN POINTS'

THE German Government reject the decision reached at Geneva on the 17th April. It was not Germany who unilaterally infringed the Treaty of Versailles, but the dictated peace of Versailles was unilaterally infringed in the points known and thus rendered invalid by those Powers which could not decide to follow the disarmament demanded from Germany by themselves disarming as contemplated by treaty.

The fresh discrimination made against Germany at Geneva by this resolution makes it impossible for the German Government to return to that institution before

the conditions for a real legal equality of all participants have been created. For this purpose the German Government consider it necessary to make a clear line of demarcation between the Treaty of Versailles, which is built upon the division of the nations into victors and vanquished, and the League of Nations, which must be built upon the estimation of all its members as being of equal value and possessing equal rights.

This equality of rights must extend to all functions and all rights of property in international life.

2. The German Government have, as a result of the non-fulfilment of the undertakings to disarm on the part of the other States, for their part renounced the articles which, as a result of the one-sided burden laid upon Germany contrary to the Treaty, constitute a discrimination against the German nation for an unlimited period. They hereby, however, most solemnly declare that these measures of theirs apply only to the points mentioned, which discriminate morally and practically against the German nation. The German Government will therefore unconditionally respect the remaining articles regarding international relations, including the territorial provisions, and will only carry out by means of peaceable understandings such revisions as will be inevitable in the course of time.

3. The German Government do not intend to sign any treaty which seems to them incapable of fulfilment, but they will scrupulously observe every treaty voluntarily signed by them, even if it was drawn up before they took over the Government and power. They will therefore, in particular, observe and fulfil all obligations arising out of the Locarno Pact so long as the other parties to the Treaty are also willing to adhere to the said pact. The German Government regard the respecting of the demilitarized zones as an extremely difficult contribution for a sovereign State to make to the appeasement of Europe. They consider, however, that they must refer to the fact that the continued increase of troops on the other side are in no way to be regarded as supplementing these endeavours.

4. The German Government are ready at any time to take part in a system of collective co-operation to secure peace in Europe, but consider it necessary to give play to the law of continuous development by allowing for the possibility of the revision of treaties. They regard the possibility of a regulated development of treaties as an element for the securing of peace, but regard the suppression of any necessary changes as only too liable to result in an explosion in the future.

5. The German Government are of opinion that the reconstruction of a system of European co-operation cannot be brought about by conditions which have been forced upon one party. They believe that it is right, in view of often conflicting interests, always to be content with a minimum, rather than to allow this co-operation to founder upon an unattainable maximum of demands. They are further convinced that this attempt to arrive at an understanding, with a big aim in view, can only be achieved step by step.

6. The German Government are ready on principle to conclude pacts on non-aggression with their various neighbouring States, and to supplement them by all provisions which aim at isolating the combatants and localizing the war-makers. They are, in particular, prepared to undertake all obligations which may result therefrom with regard to the delivery of materials and arms in time of peace or war and which are respected by all the parties concerned.

7. The German Government are ready to agree to an air convention to supplement the Locarno Pact and to enter into discussions regarding the same.

8. The German Government have made known the size of the new German army. Under no circumstances will they depart from this. They do not regard the fulfilment of their programme on land, in the air, or at sea as constituting any threat to another nation. They are, however, prepared at any time to limit their armaments to the extent which is also adopted by the other States.



The German Government have already voluntarily made known certain limitations of their intentions. In this way they have done their best to show their goodwill to avoid an unrestricted world armaments race. Their limitations of the German air arm to a condition of parity with the various other Western Great Powers renders possible at any time the fixing of a maximum, which Germany will then undertake to observe scrupulously.

The limitation of the German navy to 35 per cent of the British navy is still 15 per cent below the total tonnage of the French fleet. As the various press commentaries have voiced the opinion that this demand is only a beginning and would be increased especially with the possession of colonies, the German Government declare definitely that this is Germany's final and fixed demand.

Germany neither intends nor regards it as necessary, nor is she in a position, to take part in any new naval rivalry. The German Government voluntarily recognize the supreme vital importance, and thus the justification, for a dominating protection of the British world Empire at sea, just as we ourselves, on the land, are determined to do everything necessary for the protection of our existence and freedom on the continent. The German Government sincerely intend to do everything to bring about and maintain such relations with the British people and State as will for ever prevent a repetition of the only war which there has as yet been between the two nations.

9. The German Government are ready to take an active part in all endeavours which can result in a practical limitation of unbounded armaments. They regard a return to the order of ideas of the former Geneva Red Cross Convention as the sole possible way to achieve this. They believe that for the present the only way is the abolition and outlawry, step by step, of means and methods of warfare which by their very nature are at variance with the Geneva Red Cross Convention already in force.

They believe in that connexion that just as the use of dum-dum bullets was once forbidden and thus to a large extent prevented in practice, so the use of certain other weapons should be forbidden and thus also prevented in practice. Among such weapons they include those which are principally designed less to bring death and destruction to the fighting soldiers than to the women and children who take no part in the fighting.

The German Government regard the idea of abolishing aeroplanes but leaving bombardment unrestricted as being mistaken and ineffective. They consider it, however, possible to ban the use of certain weapons internationally as being contrary to international law, and to outlaw those nations which nevertheless employ such weapons as standing outside humanity and its rights and laws.

They believe that here, too, progress step by step will soonest lead to success. In short, prohibition of gas, inflammable and explosive bombs outside an actual area of warfare. This limitation can be so extended as to result in a complete international prohibition of bomb-dropping. So long, however, as bomb-dropping as such is permitted, any limitation of the number of bombing planes is of doubtful value in view of the possibility of rapidly replacing losses.

If bomb-dropping as such is branded as a barbarism contrary to international law, the construction of bombing planes will automatically soon cease as being superfluous and pointless. If it was once possible as a result of the Geneva Red Cross Convention gradually to prevent the killing of defenceless wounded or prisoners—a thing possible in itself—it must also be possible by means of an analogous convention to forbid the bombing of an equally defenceless civilian population and finally to bring it to an end altogether.

Germany sees in such a fundamental conception of this problem greater appeasement and security for the nations than in all the pacts of mutual assistance and military conventions.

10 The German Government are ready to agree to any

limitation leading to the abolition of the heaviest weapons which are especially suitable for aggression. Such are, above all, the heaviest artillery, and secondly, the heaviest tanks. In view of the enormous fortifications on the French frontier, such an international abolition of the heaviest offensive weapons would automatically give France a 100 per cent security at once.

11 Germany declares herself ready to agree to any limitation of the calibre of artillery, of battleships, cruisers, and torpedo-boats. Similarly, the German Government are ready to accept any international limitation of naval tonnage. Finally, they are ready to agree to the limitation of the tonnage of submarines, or even to their complete abolition, in the event of an international agreement to that effect.

The German Government furthermore reiterate the assurance that they are ready to join in any international scheme for the limitation or abolition of arms which shall take effect for all countries at the same time.

12. The German Government are of opinion that all attempts to achieve an effective alleviation of the certain items of tension between various States by means of international or multilateral agreements are doomed to failure unless suitable measures are successfully taken to prevent a poisoning of public opinion among the nations by irresponsible individuals in speech and in writing, on the film and in the theatre.

13 The German Government are ready at any time to agree to an international arrangement which will effectively prevent and render impossible all attempts to interfere from outside in the affairs of other States. They must, however, demand that such an arrangement should be internationally effective and benefit all States. As there is a danger that in countries with Governments which do not possess the confidence of the nation, internal revolts brought about by interested parties may only too easily be attributed to foreign interference, it seems to be necessary that the term 'interference' should be internationally defined.

*3. Memorandum on the Relation between the Franco-Soviet Pact of May 2, and the Treaty of Locarno, communicated by the German Ambassador, May 29, 1935*

THE German Government has taken note of the Treaty signed on the 2nd May last between France and the U S S R. It follows from section 4 of the protocol of signature which accompanies the Treaty that the obligations agreed upon between the two Contracting Parties, and particularly the obligation to lend mutual assistance, refer only to the case when one of those parties finds itself in armed conflict with Germany. In consequence, the German Government sees itself obliged to consider the question whether the new treaty is in harmony with the obligations towards Germany which one or the other of the two Contracting Parties has assumed in consequence of former treaties. The Treaty signed at Locarno on the 16th October, 1925, between Germany, Belgium, France, Great Britain, and Italy, known as the 'Locarno Rhine Pact', is especially relevant in this respect.

By the terms of this Treaty, Germany and France 'mutually undertake that they will in no case attack or invade each other or resort to war against each other'. The exceptions to this obligation are enumerated and defined in Article 2, section 2, of the Treaty. Apart from the case of legitimate defence, which can be left on one side in the present connexion, these exceptions have the effect of making the renunciation of all attack, invasion, or warfare against one another agreed upon by Germany and France inapplicable in the case of '(a) action in pursuance of Article 16 of the Covenant of the League of Nations, (b) action as the result of the decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against the State which is the first to attack'.

At first sight the new Franco-Soviet Treaty in its

provisions concerning the obligation of the two parties to render mutual assistance against Germany seems in harmony with the exceptions laid down in cases (a) and (b) above. It provides in Article 2 for assistance in the case where Article 15, paragraph 7, of the Covenant of the League would be applicable and in Article 3 for the case provided for under Article 16 of the Covenant. In addition to these two cases there are also cases not mentioned in the Locarno Treaty, that is to say, those provided for under Article 17, paragraphs 1 and 3, of the Covenant, an article which on its side provides under certain defined conditions for the application of Article 16 against a State which is not a member of the League of Nations.

These provisions of the new Treaty which refer to Articles 16 and 17 of the Covenant demand the very particular attention of the Powers signatories of the Treaty of Locarno. All these Powers find themselves faced with the serious question whether the obligations which France has just undertaken *vis-à-vis* the U.S.S.R. are within the limits fixed by the Locarno Treaty. The complementary provisions contained in section 1 of the protocol of signature are especially, in the opinion of the German Government, of decisive importance in answering this question. Under the said paragraph 1 the text reads:

Il est entendu que l'effet de l'article 3 est d'obliger chaque partie contractante à prêter immédiatement assistance à l'autre en se conformant immédiatement aux recommandations du Conseil de la Société des Nations, aussitôt qu'elles auront été énoncées en vertu de l'article 16 du Pacte. Il est également entendu que les deux parties contractantes agiront de concert pour obtenir que le Conseil énonce ses recommandations avec toute la rapidité qu'exigeront les circonstances et que, si néanmoins le Conseil, pour une raison quelconque, n'énonce aucune recommandation ou s'il n'arrive pas à un vote unanime, l'obligation d'assistance n'en recevra pas moins application.<sup>1</sup>

<sup>1</sup> (Translation).—It is agreed that the effect of Article 3 is to compel each contracting party immediately to give assistance to the other by complying forthwith with the recommendations of the Council of the League of Nations as soon as they shall have been made in accordance

It follows from this text that the two Contracting Parties, before undertaking any action which they intend to base upon Article 16 of the Covenant, will address themselves first of all to the Council of the League of Nations, but that they are, none the less, decided to fulfil the obligations of assistance agreed upon between themselves, if, for some reason or other, the Council of the League does not produce a recommendation or if it does not reach a unanimous decision. This provision can only be understood in the sense that France claims for herself, in the event of a conflict between Germany and the U S S R, the right to take military action against Germany in virtue of Article 16 of the pact, even if she cannot cite a recommendation or some other decision of the Council of the League of Nations. It seems that, after the departure of Germany from the League of Nations, this course of action is also intended in the case where the decision of the Council regarding the invitation to be addressed to Germany in virtue of Article 17, paragraph 1, of the pact has not been reached. The German Government considers that military action undertaken in such conditions would be outside the limits of Article 16 of the pact, and would, consequently, constitute a flagrant violation of the Treaty of Locarno. The wide scope of the Franco-Soviet understanding in this respect is manifest. It is true that the Treaty lays down that assistance shall only be given in the event of an unprovoked aggression on the part of Germany. This event will never occur, for Germany has no intention of taking any aggressive action against the U S S R, but, none the less, the problem is not solved, for the decisive point is that France, according to the section of the protocol of signature above mentioned, claims for herself the right in the event of a

with Article 16 of the Covenant. It is further agreed that the two contracting parties will take joint action to ensure that the Council issue their recommendations with all the speed required by the circumstances of the case, and that, should the Council nevertheless, for some reason, make no recommendation or fail to reach a unanimous decision, effect shall nevertheless be given to the obligation to render

German-Soviet conflict to decide unilaterally and at her own discretion who is the aggressor, and, in virtue of her decision, to take military action against Germany

The objections formulated above are not invalidated by the general clause in the second section of the protocol, which lays down that this Treaty is not inconsistent with any of the engagements already undertaken by France or the U S S R towards third parties and that the provisions of the Franco-Soviet Treaty will not be applicable in the event of one of the Contracting Parties, by reason of obligations already undertaken, exposing itself to sanctions of an international character. This general clause does not in any way alter the fact that the special clause in section 1 of the protocol exists, a clause which, as has been pointed out above, stipulates the contrary in a concrete case, namely, the case of the application of the Treaty of Locarno

The Treaty of Locarno is fundamentally so important for the relations between the Western European Powers that no doubt, however slight, and no uncertainty, must be allowed to arise as to the interpretations of its clauses. It is for this reason that the German Government has considered it indispensable to communicate the above considerations to the other Powers signatories of this Treaty. They hope that all the signatory Powers will agree with them in recognizing that the provisions of the Treaty of Locarno cannot legally be modified or interpreted by the fact that a treaty has been concluded with a third party by one of the signatories

*4 French Reply to the German Memorandum regarding the Interpretation of the Effects of the Franco-Soviet Pact, communicated by the French Minister for Foreign Affairs, June 25, 1935*

IN a memorandum dated the 25th May, 1935, the German Government, thus indicating the interest attached by them to respect for the Rhine Pact of Locarno as regards the relations between the Powers of Western Europe, felt

constrained to express to the French Government their desire to be assured that the Franco-Soviet Treaty of the 2nd May last was consistent with the obligations undertaken in the Locarno Pact.

The Government of the Republic, who are no less faithfully attached to the Locarno Pact than the Government of the Reich, is entirely in agreement with the latter in recognizing 'that the provisions of the Rhine Pact of Locarno cannot legally be modified or interpreted by the fact that a treaty has been concluded with a third country by one of the signatories'

The French Government's anxiety in no way to invalidate the application of the Locarno Treaty is the guiding principle of their whole policy, they could not consequently have proceeded to sign the Franco-Soviet Treaty without being completely certain that they had not thus undertaken any obligations inconsistent with those laid down in the Locarno Treaty

If any assurance on this point were necessary, it would be sufficient to recall, in general terms, the fact that, in paragraph 2 of the protocol of signature accompanying this Treaty, the two signatory Governments have declared that it is their joint purpose not to invalidate in any way the obligations previously contracted by the two countries towards third States in published treaties, and that consequently it has been formally laid down that effect could not be given to the provisions of the Treaty in any way which would be inconsistent with the Treaty obligations already assumed by one of the Contracting Parties

Unless doubt is entertained regarding the good faith of the two signatory States, it is impossible to ignore a provision which lays down so clearly the scope of their obligations

The French Government might confine their reply to this general statement. To show, however, their sincere desire to remove all obscurity in connexion with this matter, they are fully prepared to enter into the analytical arguments contained in the German memorandum



The German Government cannot have failed to note that the provisions of the Franco-Soviet Treaty regarding the obligation to render mutual assistance are based on the very provisions of Article 2 of the Treaty of Locarno. They have merely pointed out that to the cases contemplated in this article 'further cases, not mentioned in the Rhine Pact of Locarno, have been added, namely, those contemplated in Article 17, paragraphs 1 and 3 of the Covenant of the League of Nations'. But the German Government, on the other hand, draws attention to the fact that this latter article contemplates the application of Article 16 against a State not a Member of the League of Nations, which brings us back to the cases contemplated in Article 2 of the Treaty of Locarno. The addition to which reference is made does not, therefore, lay itself open to any objection in principle on the part of the German Government.

It is in connexion with the putting into effect of the provisions for assistance in execution of Article 16 of the Covenant, that the German Government has thought it possible to dispute that the obligations undertaken by France towards the U S S R remain within the limits fixed by the Treaty of Locarno, with this in mind they lay stress upon 'additional obligations' said to be laid down in Article 1 of the protocol of signature. Actually, however, it is a question in this article, not of supplementary obligations, but, on the contrary, of clarifying and limiting the obligations laid down in Article 3.

It is not the case that under the terms of the first part of the protocol of signature, France, in the event of a conflict between Germany and the U S S R, claims the right to decide, unilaterally and in her own free judgement, who is the aggressor. First and foremost it is her duty to secure recommendations by the Council of the League of Nations to compliance with which she is committed in advance. Even after having fulfilled this requirement of the Covenant of the League of Nations, if the Council has not made any recommendation, or has not been able to reach a unanimous decision, she must still, under Article 2 of the

protocol, make sure that, apart from this, her judgement of the circumstances is not such that action taken by her might call down upon her the sanctions prescribed in the Treaty of Locarno

As regards the point that the obligation to render assistance might arise in the absence of a recommendation or of a unanimous decision of the Council, attention should be called to the fact that the application of Article 16, in accordance not only with its terms but also with the most authoritative interpretations thereof, does not necessarily require a recommendation of the Council. In laying down the principle that in the absence of a recommendation the obligation to render assistance nevertheless arises, the signatories of the Franco-Soviet Treaty have thus kept strictly within the framework of Article 16, which prescribes that 'should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League'. It is consequently not possible to detect in Article 1 of the protocol any contradiction with the terms of Article 2 of the general Treaty of Locarno.

Moreover, the preoccupations of the German Government seem only to relate to a case in which, Germany having withdrawn from the League of Nations, action taken by France against Germany in execution of Article 16 would be based on Article 17 of the Covenant, which refers back to the aforesaid Article 16. In this case the German Government consider that military action undertaken without a previous decision of the Council regarding the invitation to be addressed to Germany under Article 17 might go beyond the scope of Article 16 and thus constitute a violation of the Treaty of Locarno.

This interpretation is not justified, in fact, Article 1 of the protocol of signature of the Franco-Soviet Treaty refers only to recommendations 'made under Article 16' by the Council of the League of Nations and does not affect in any way the conditions laid down for the issue of an invitation in Article 17.

The French Government do not doubt that in the light of the foregoing observations the German Government will be satisfied that the provisions of the agreement of the 2nd May are perfectly consistent with the obligations resulting from the Treaty of Locarno

During the whole period of the Franco-Soviet negotiations, the constant preoccupation of the French Government was to avoid anything which might, even indirectly, invalidate in the slightest degree the Treaty of Locarno or the rights and obligations of the Guarantor Powers

The Rhine Pact, as an element of collective security, is so much an essential basis of the general policy of France that no French Government could have risked, by their own action, the introduction of an element of doubt with regard to it The Franco-Soviet Treaty of the 2nd May is conceived in the same pacific spirit and on the same lines as the Franco-Polish and Franco-Czechoslovak treaties, of which the German Government took official cognizance at Locarno and to which they raised no objection The new Treaty has no other purpose than to extend the network of obligations, designed to ensure, on the basis of the principles laid down in the Covenant of the League of Nations, the development of European security.

The first proposals for a regional Eastern Pact, which were submitted to the German Government in July 1934, had already shown the efforts which the French Government were prepared to make in order to extend to this part of Europe the application of the principles of collective security contained in the Treaty of Locarno It was contemplated that French participation therein should be strictly confined to the conditions laid down in the Rhine Pact

Furthermore, the signatories of the Treaty of the 2nd May specifically contemplated an extension of the agreement permitting of the inclusion of the Reich among the countries which would benefit by participation in the agreement The obligations mutually undertaken by France and the U S S R would thus be extended to Germany Nothing could more clearly show the objective

spirit by which the French Government are inspired in their constant desire to foster, in a collective sense, the development of European security in accordance with principles designed to ensure equal advantages and equal rights for all States

5. *Sir Samuel Hoare to Baron von Hoesch, July 5, 1935*

YOUR Excellency,

I have the honour to refer to the memorandum which your Excellency was so good as to hand to my predecessor on the 29th May, and in which were set forth various considerations regarding the manner in which the Treaty of Locarno was, in the view of the German Government, affected by the terms of the Franco-Soviet Pact of the 2nd May. Since then His Majesty's Government in the United Kingdom have had cognizance of the note which the French Government communicated to the German Government on the 25th June in reply to this same memorandum.

2 His Majesty's Government are in entire agreement with the views expressed and the arguments used by the French Government in this note, and after further consideration of the points made by the German Government they are satisfied that there is nothing in the Franco-Soviet Treaty which either conflicts with the Locarno Treaty or modifies its operation in any way. They likewise agree with the French and German Governments in holding that the provisions of the Locarno Treaty cannot legally be modified or defined by the fact that a treaty has been concluded with a third party by one of the signatories.

3 I would also observe in this connexion that, under the Treaty of Locarno, the United Kingdom, as one of the guarantors of that Treaty, has the right and duty of deciding, subject to the findings and the recommendations of the Council of the League of Nations, when and whether the circumstances are such as to call its guarantee into operation, and that this right and duty cannot be

affected or altered by the act of another signatory to the Treaty.

4 I venture to express the hope that, after examining the views thus set forth in the French note of the 25th June and in this present communication, the German Government will recognize that the rights and duties of the Signatories of the Treaty of Locarno, including those of Germany, have in no way been prejudiced or modified by the conclusion of the Franco-Soviet Treaty.

I have, &c

SAMUEL HOARE.

## XLV

### THE LIMITATION OF NAVAL ARMAMENTS

#### *1 Statement by the Japanese Government as to the Denunciation of the Washington Naval Treaty, December 29, 1934*

IN the recent preliminary naval conversations the Japanese Government have been exerting, in co-operation with the other Powers concerned, their most sincere efforts towards the achievement of a new agreement which will secure Japan's national defence and which will bring about a substantial measure of disarmament, eliminating all possibilities of aggression from among the great naval Powers while lightening as far as possible the tax burden of the peoples. The Japanese Government, after careful consideration from this viewpoint, are convinced that the cause of disarmament can best be served, and the security of the Powers permanently assured, by concluding an equitable agreement founded upon the following principles which have been submitted to the other Powers.

- (1) In view of the present state of extraordinary development in warships, aircraft, and other weapons of war, the existing naval treaties which recognize inequality of armaments among the Powers can no longer afford security of national defence to Japan. For this reason the new treaty should rest, not upon a ratio principle, but on the formula of an agreed common upper limit for the armaments to be retained by each Power.
- (2) (a) In consonance with the spirit of disarmament, the said common upper limit should be fixed as low as possible.  
(b) In order to render it difficult for any Power to attack another, but easy to defend itself, the offensive arm should be totally abolished or drastically reduced, and the defensive arms adequately provided.

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In the light of these basic principles, it is impossible for the Japanese Government to acquiesce in the continuation for a further term of the Washington Treaty of Naval Limitation, which not only permits the retention of the offensive arms, but admits disparity in naval strength through the adoption of a ratio system. Moreover, the allocation of an inferior ratio, so detrimental to our national prestige, is bound to remain a source of permanent and profound discontent to our people. Consequently, our Government have long felt it incumbent upon them to give notice of their intention to terminate the said Treaty in accordance with its provisions at the end of the year 1936, namely, upon the expiration of the stipulated term of its life. Of this intention the British and American Governments were early given a fairly clear intimation. The Japanese Government, however, anxious to conduct the negotiations as amicably and effectively as possible, considered it preferable to make a joint notification of termination in concert with the Powers concerned and invited all of them to give such joint notice.

It was only when those Powers failed to accept the invitation that our Government decided to act alone and gave notice to the Government of the United States of their intention to terminate the Washington Treaty in conformity with the stipulation under Article 23. Each contracting Power has, of course, a full legal right to give such notice, which is explicitly provided for in that instrument.

The present step taken by the Japanese Government is only a logical outcome of our fundamental policy, which aims at the conclusion of another pact to supersede the Washington Treaty. Our Government desire fervently to arrive at an agreement which is just and fair for all the parties concerned and entirely in accord with the spirit of disarmament. They are prepared, despite the termination of the Washington Treaty, to pursue with undiminished zeal friendly negotiations with the other Powers.

So far from entertaining the slightest wish to enlarge her armaments, Japan endeavours to promote the cause of

peace by establishing the principle of non-menace and non-aggression through the suppression or drastic reduction of the offensive weapons of war. It is her firm belief that when the other Powers, appreciating the essential fairness of Japan's claim, consent to make a sweeping reduction in fighting strength along the lines proposed by our Government, then will a full measure of security be afforded to the Powers through the limitation of any possible menace from one another and an enduring peace be established upon a solid basis.

*2. Exchange of Notes between the United Kingdom and Germany, June 18, 1935*

*Sir Samuel Hoare to Herr von Ribbentrop*

YOUR Excellency,

During the last few days the representatives of the German Government and His Majesty's Government in the United Kingdom have been engaged in conversations, the primary purpose of which has been to prepare the way for the holding of a general conference on the subject of the limitation of naval armaments. I have now much pleasure in notifying your Excellency of the formal acceptance by His Majesty's Government in the United Kingdom of the proposal of the German Government discussed at those conversations that the future strength of the German navy in relation to the aggregate naval strength of the Members of the British Commonwealth of Nations should be in the proportion of 35 100. His Majesty's Government in the United Kingdom regard this proposal as a contribution of the greatest importance to the cause of future naval limitation. They further believe that the agreement which they have now reached with the German Government, and which they regard as a permanent and definite agreement as from to-day between the two Governments, will facilitate the conclusion of a general agreement on the subject of naval limitation between all the naval Powers of the world.

2. His Majesty's Government in the United Kingdom



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also agree with the explanations which were furnished by the German representatives in the course of the recent discussions in London as to the method of application of this principle. These explanations may be summarized as follows

(a) The ratio of 35 : 100 is to be a permanent relationship, i.e. the total tonnage of the German fleet shall never exceed a percentage of 35 of the aggregate tonnage of the naval forces, as defined by treaty, of the Members of the British Commonwealth of Nations, or, if there should in future be no treaty limitations of this tonnage, a percentage of 35 of the aggregate of the actual tonnages of the Members of the British Commonwealth of Nations

(b) If any future general treaty of naval limitation should not adopt the method of limitation by agreed ratios between the fleets of different Powers, the German Government will not insist on the incorporation of the ratio mentioned in the preceding sub-paragraph in such future general treaty, provided that the method therein adopted for the future limitation of naval armaments is such as to give Germany full guarantees that this ratio can be maintained

(c) Germany will adhere to the ratio 35 : 100 in all circumstances, e.g. the ratio will not be affected by the construction of other Powers. If the general equilibrium of naval armaments, as normally maintained in the past, should be violently upset by any abnormal and exceptional construction by other Powers, the German Government reserve the right to invite His Majesty's Government in the United Kingdom to examine the new situation thus created

(d) The German Government favour, in the matter of limitation of naval armaments, that system which divides naval vessels into categories, fixing the maximum tonnage and/or armament for vessels in each category, and allocates the tonnage to be allowed to each Power by categories of vessels. Consequently, in principle, and subject to (f) below, the German Government are prepared to apply the 35 per cent ratio to the tonnage of each category

of vessel to be maintained, and to make any variation of this ratio in a particular category or categories dependent on the arrangements to this end that may be arrived at in a future general treaty on naval limitation, such arrangements being based on the principle that any increase in one category would be compensated for by a corresponding reduction in others. If no general treaty on naval limitation should be concluded, or if the future general treaty should not contain provision creating limitation by categories, the manner and degree in which the German Government will have the right to vary the 35 per cent ratio in one or more categories will be a matter for settlement by agreement between the German Government and His Majesty's Government in the United Kingdom, in the light of the naval situation then existing.

(e) If, and for so long as, other important naval Powers retain a single category for cruisers and destroyers, Germany shall enjoy the right to have a single category for these two classes of vessels, although she would prefer to see these classes in two categories.

(f) In the matter of submarines, however, Germany, while not exceeding the ratio of 35/100 in respect of total tonnage, shall have the right to possess a submarine tonnage equal to the total submarine tonnage possessed by the Members of the British Commonwealth of Nations. The German Government, however, undertake that, except in the circumstances indicated in the immediately following sentence, Germany's submarine tonnage shall not exceed 45 per cent of the total of that possessed by the Members of the British Commonwealth of Nations. The German Government reserve the right, in the event of a situation arising which in their opinion makes it necessary for Germany to avail herself of her right to a percentage of submarine tonnage exceeding the 45 per cent above mentioned, to give notice to this effect to His Majesty's Government in the United Kingdom, and agree that the matter shall be the subject of friendly discussion before the German Government exercise that right.

(g) Since it is highly improbable that the calculation of

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the 35 per cent ratio should give for each category of vessels tonnage figures exactly divisible by the maximum individual tonnage permitted for ships in that category, it may be necessary that adjustments should be made in order that Germany shall not be debarred from utilizing her tonnage to the full. It has consequently been agreed that the German Government and His Majesty's Government in the United Kingdom will settle by common accord what adjustments are necessary for this purpose, and it is understood that this procedure shall not result in any substantial or permanent departure from the ratio 35 : 100 in respect of total strengths.

3 With reference to sub-paragraph (c) of the explanations set out above, I have the honour to inform you that His Majesty's Government in the United Kingdom have taken note of the reservation and recognize the right therein set out, on the understanding that the 35 : 100 ratio will be maintained in default of agreement to the contrary between the two Governments.

4 I have the honour to request your Excellency to inform me that the German Government agree that the proposal of the German Government has been correctly set out in the preceding paragraphs of this note.

I have the honour to be, &c

SAMUEL HOARE.

#### 3. *Memorandum on the London Naval Conference, December 9, 1935, to March 25, 1936*

UNDER the provisions of the London Naval Treaty, 1930, the High Contracting Powers agreed to meet in conference in 1935 to frame a new agreement to replace and carry out the purposes of the existing Treaty. His Majesty's Government in the United Kingdom therefore initiated early in 1934 the preliminary conversations which experience has shown to be essential to the success of an international conference of this nature.

2 On the 29th December, 1934, notice of termination of the Washington Treaty was given by Japan. As the

Contracting Powers to that Treaty had agreed to meet in conference within one year of the date of such notice of termination, it was, for this reason also, necessary to summon a conference in 1935 His Majesty's Government in the United Kingdom, feeling that as they had taken the initiative in the preparatory conversations they were perhaps under a greater obligation in the matter than other Governments, accordingly issued the necessary invitations

3 The Conference was opened on Monday, the 9th December, 1935, by the Prime Minister, who stated that the proposals of this country remained the same as those communicated by His Majesty's Government to the Disarmament Conference in July, 1932, and that they attached the greatest importance to a continuation of limitation in both the quantitative and qualitative field He pointed out that an international agreement on these lines would undoubtedly lead to great economy in future naval construction throughout the world He also expressed the hope that, even if the abolition of submarines should prove impossible, the acceptance by France and Italy of the rules laid down in Part IV of the London Naval Treaty, 1930, would be the signal for the acceptance of those rules by all the maritime Powers of the world, and that by this means unrestricted submarine warfare would in future be averted

4 As regards quantitative limitation, His Majesty's Government were forced to the conclusion during the preliminary conversations that agreement on any system of limitation based directly on a 'ratio' or definite relationship of naval strength, such as that on which the Washington and London Naval Treaties were founded, would prove difficult of attainment In order to preserve some measure of quantitative limitation they proposed as a 'middle way' that the quantitative side of the Treaty should consist of unilateral and voluntary declarations by each of the signatory Powers limiting its construction over a period of, say, six years

They realized that the degree to which their proposal

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would effect a quantitative limitation in naval armaments would depend entirely on the spirit in which it was carried out, but they would have been fully prepared to give to such construction figures as might be agreed upon the form of a contractual obligation, if that method of limitation had been acceptable to other Powers.

Agreement on any form of quantitative limitation has, however, unfortunately not been possible

5 At the opening of the Conference Japan tabled her proposal for a 'Common Upper Limit' After considerable discussion this proposal remained unacceptable to all the other delegations, and to the deep regret of His Majesty's Government Japan withdrew her delegation from the Conference, leaving however observers to watch its progress.

6 The United Kingdom proposals mentioned above having also proved unacceptable generally, the further efforts of the Conference were directed in achieving the maximum measure possible of qualitative limitation, and to obtaining agreement on provisions for advanced notification of construction or acquisition of war vessels, and to exchange of information on their principal characteristics The object of this latter provision is to remove one of the most fruitful sources of suspicion between Naval Powers, thus reducing the likelihood of building competition between them

Complete agreement has been reached between the Members of the British Commonwealth of Nations possessing sea-going naval forces, the United States of America and France on these points Although Italy has found herself unable for the present to associate herself with this agreement, the Italian delegation entered fully into all the discussions, was consulted on all points, and, subject to certain reservations, agreed to the wording of the various reports

7 As regards qualitative limitation, it will be convenient to place before Parliament a comparison of the aims of His Majesty's Government with the results actually achieved by the Conference

*Limitations proposed by His Majesty's Government  
to the Disarmament Conference, 1932, which were  
again put forward at the present Conference*

	Maximum Displacement Tons	Maximum Gun Calibre
Capital ships (Assuming the retention of the 8-in Cruiser.)	25,000	12-in
Aircraft Carriers	22,000	6 1-in
Cruisers— Category (a) i.e. 10,000 tons—8-in guns	No further construction	
Category (b) i.e. 10,000 tons—6-in guns	7,000	6 1-in
Destroyers— Leaders Destroyers	1,850 1,500	5 1-in
Submarines Abolition, or, failing this	250	

*Limitations agreed to in The London Naval Treaty,  
1936*

	Maximum Displacement Tons	Maximum Gun Calibre
Capital Ships	35,000	14-in <sup>1</sup>
Aircraft Carriers Light Surface Vessels*— Sub-category (a) (Corresponding to Cruiser category (a))	23,000	6 1-in
Sub-category (b) (Corresponding generally to Cruiser category (b))	No further construction during the period of the Treaty	
For the period of the Treaty, agreement has been obtained to a 'Holiday' in the building of Light Surface Vessels Sub-category (b), up to the full limits that would be possible within the definition of the sub-category, i.e. 10,000 tons and 6 1-in guns and the limits allowed are	8,000 2,000	6 1-in 5 1-in
Submarines		

<sup>1</sup> Provided that if any of the Washington Powers fail to accept this before 1st April 1937, the maximum gun calibre shall be 16-in

<sup>2</sup> It will be observed that Cruisers, Leaders, and Destroyers are now classed together under the name of Light Surface Vessels. This has been done to meet the wishes of other Powers, none of whom except the U.S.A. and Japan have ever accepted a separate Leader and Destroyer category

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8 As regards capital ships, although agreement on reduction of the Washington tonnage has not been found possible, the reduction in calibre of gun is a satisfactory step and may lead to future agreement on reductions in tonnage, and possibly to gradual further reductions in calibre

This reduction in gun calibre is, as before stated, subject to the provision that, if any of the Washington Powers fail to agree to it before the 1st April, 1937, the maximum gun calibre shall remain at 16-inch

9 As regards aircraft carriers, the reduction to 23,000 tons from the Washington limit of 27,000 tons is considerable, and will result initially in appreciable financial saving in the building of this expensive class of warship, although against this saving must be offset the increased expense in the long run of embarking a similar number of aircraft in smaller carriers

10 As regards light surface vessels, His Majesty's Government are very gratified that their desire permanently to reduce the size of cruisers has resulted in the adoption of a 'Holiday' in the building of all large cruisers, whether of sub-category (a) and armed with the 8-inch gun, or of sub-category (b) of a size larger than 8,000-tons, and armed with guns of a calibre not greater than 6 1-inch. In view of our commitments, both in respect of replacement of old wartime cruisers and of the essential steady increase in numbers, this will result in substantial reductions in expenditure

11 The limitations on light surface vessels (Cruisers, Destroyers, &c), are made effective by agreement on a 'zone of non-construction' within which no ships may be built. If this had not been done, vessels could have been built which by definition would have been capital ships, but which in reality could have been of a superior cruiser type

The 'zone' extends from 8,000 to 17,500 tons and the necessary corollary has been a corresponding limitation on the minimum size of gun to be carried by a capital ship, which is fixed at 10 inches

In order to prevent a vessel which would upset the intentions of the Treaty being built in the guise of an aircraft carrier, provision has also been made to limit to ten the number of guns of above 5 25-inch calibre carried by those vessels

12 As regards submarines, it has again not been found possible to reach agreement on the policy of abolition and the London Naval Treaty limits for this category have been retained

13 As regards Advance Notification of Construction or Acquisition of Warships, the provisions now made are entirely new Under neither the Washington nor the London Naval Treaty were there any arrangements of this nature

As regards Exchange of Information, not only is this to take place earlier in the life of each ship building or acquired than was provided for in those Treaties, but the scope of the information is considerably extended The main provisions are that

- (a) The High Contracting Parties will communicate to each other within the first four months of each calendar year their annual programme of construction or acquisition of the principal classes of warship, giving the calibre of the largest gun carried by each vessel

Once these programmes are declared, no increase in the number of vessels included in the declaration is permitted for the current year, subject, of course, to the operation of the various safeguarding clauses

No vessel of the principal classes of warship can be laid down until after the lapse of four months from the date of communication of the above programme

- (b) Full information as to characteristics of each vessel is to be given at least four months before the ship is laid down

Arrangements are also made to provide for exchange of information concerning necessary departures during building from the characteristics already reported, details



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of ships scrapped or otherwise disposed of, particulars of ships acquired, important alterations in vessels previously completed, and various other matters

14 As regards various other classes of ships which were not sufficiently important to be included in the above procedure and which, under the London Naval Treaty, 1930, were classified as Exempt or Special vessels, arrangements have been made whereby they are now classed as 'Auxiliary Vessels' or as 'Minor War Vessels'. These vessels will not be subject to the provisions of Advance Notification of Construction or Acquisition, but lists of them will be exchanged and kept up-to-date annually.

15 All information exchanged will, of course, necessarily be treated as confidential until published by the High Contracting Party supplying it

16 As regards safeguarding clauses, careful arrangements have been made to deal with the three principal sets of circumstances in which the release of a Contracting Party from the provisions of the Treaty might be necessary, namely, should a Contracting Party become engaged in a war and consider the naval requirements of his security to be materially affected, should a Power not signatory to the Treaty acquire, or propose to acquire, vessels not in conformity with the limitations and restrictions of the Treaty, or should a High Contracting Party's national security be materially affected by any change of circumstances other than those mentioned above, or below, in respect of the 'Cruiser Holiday'. In all the above cases consultation between the High Contracting Parties is required and three months' delay is imposed before departing from the obligations of the Treaty, except in the case where one such Party becomes engaged in war, when he can suspend any or all of the obligations at once, and the other Parties can, after consultation, also forthwith suspend them

17 A special and limited safeguard has also been provided in respect of the 'Cruiser Holiday' in the article dealing with that 'Holiday'. This safeguard provides for a High Contracting Party, should he consider his national

security to be affected, an escape against the amount of construction by any Power of cruisers of sub-category (b) and against the construction by a Non-Contracting Party of light surface vessels not allowed to be built under the terms of the 'Holiday'

18 The Treaty will come into force on the 1st January, 1937, provided by that date it is ratified by all the signatory Powers, or, failing this, on the date by which it is ratified by these Powers. It will of course be open to accession by Japan and Italy as signatories of the Washington Treaty. Negotiations have already commenced for the conclusion of a bilateral agreement on the same lines with Germany, and it is hoped that similar negotiations for bilateral agreements with certain other Naval Powers will be undertaken shortly.

As a first step towards the acceptance of a general Treaty on the same lines by all Naval Powers, the Conference, in communicating the Treaty to the League of Nations, has suggested that the remarks of other Naval Powers should in the first instance be forwarded to His Majesty's Government.

The Treaty will remain in force until the 31st December, 1942.

As regards arrangements for framing a further Treaty to come into force after that date, provision is made for His Majesty's Government in the United Kingdom to initiate, during the last quarter of 1940, a consultation between the Parties. Unless, as a result of consultation, it appears that it would be neither desirable nor practicable, a conference will be held in 1941. In the course of the consultation views will be exchanged to determine whether, amongst other points, it may be possible to agree upon a reduction in the calibre of gun and in the size of future capital ships.

19 The full extent of reduction and limitation aimed at by His Majesty's Government has by no means been achieved. A substantial measure of success has, however, been accomplished. Although agreement on any form of quantitative limitation has not proved possible, His

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Majesty's Government feel that, even if agreement to stand on the qualitative limits of the Washington and London Naval Treaties had been the only outcome of the conference, a very considerable success would have been recorded

20 The principal capital ship fleets of the world will shortly be in process of renewal, a steady increase in cruiser strength can no longer be postponed in our own case, whilst in other classes of ships much new construction is required in place of war-time and obsolescent vessels. If no Treaty had been negotiated to replace those of Washington and London, there would have been complete freedom to build up to any size of ship desired, with the resulting increase of expenditure. Not only, however, has this been avoided, but the reductions in displacement and calibre of gun that have been agreed to, although not so drastic as His Majesty's Government had hoped, are in themselves sufficient to ensure considerable financial saving in our future naval construction programmes. Furthermore, the agreement should go far to put into effect the hopes expressed by the Prime Minister at the opening of the Conference, that the public mind will be relieved of the threat of a general race in naval armaments. The arrangements made for advance notification and exchange of information should do much to help in achieving this object, and the avoidance of secret building, with the inevitable suspicion which results from it, should materially assist in reinforcing international goodwill.

21 The Rules regarding submarine warfare contained in Part IV of the London Naval Treaty, 1930, had already been accepted and become binding upon all the Members of the British Commonwealth of Nations, the United States of America, and Japan as a result of their ratification of the above Treaty. The Rules had not, however, become binding upon France and Italy, owing to the fact that, though the Treaty was signed in respect of these countries, they had not ratified it, and in consequence it was not possible, as had been contemplated in the Treaty,

for His Majesty's Government in the United Kingdom to communicate the Rules to countries in respect of which the Treaty had not been signed. France and Italy have now indicated their desire to confirm their acceptance of the above Rules resulting from the signature of the previous London Naval Treaty, and a separate instrument has been prepared, which it is hoped will shortly be signed,<sup>1</sup> embodying the French and Italian confirmation of their previous acceptance of the Rules and authorizing His Majesty's Government in the United Kingdom to communicate the Rules, which are a continuing obligation and not one for a short term only, to all other maritime countries, with an invitation to accede thereto and without limit of time.

<sup>1</sup> November 6, 1936 , Cmd. 5302

## XLVI

### THE ITALIAN AGGRESSION ON ABYSSINIA

#### 1. *Treaty of Friendship between Italy and Abyssinia,* *August 2, 1928*

HIS Majesty Victor Emanuel III, King of Italy, and Her Majesty Zauditu, Empress of Ethiopia.

Desirous that the friendship between their two States should become more stable and durable, and that the economic relations between the two countries continue to develop,

Wherefore, Commendatore Giuliano Cora, Minister Plenipotentiary of the Kingdom of Italy, in the name of His Majesty Victor Emanuel III and His Successors, and

His Imperial Highness Tafari Makonnen, Heir to the Throne and Regent of the Abyssinian Empire, in the name of Empress Zauditu, in His personal name and in the name of Their Successors,

Have agreed on the following

#### Article 1

There shall be durable peace and perpetual friendship between the Kingdom of Italy and the Ethiopian Empire

#### Article 2

The two Governments mutually pledge themselves not to take, under any pretext, any action which might be detrimental to the independence of the other, and to safeguard the interests of their respective countries

#### Article 3

The two Governments undertake to develop and promote the trade existing between the two countries.

#### Article 4

Italian citizens, subjects, and protégés settled in Ethiopia, and Ethiopians settled in Italy and her colonies, in respect of their commerce, work, necessities of life and

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subsistence, and in respect of everything concerning the exercise of their profession, commerce, and work, are required to observe and respect the laws of the State wherein they reside

It is understood that the provisions of Article 7 of the treaty between the Ethiopian Empire and the French Republic, concluded on January 10, 1908, shall continue to apply to Italian citizens, subjects, and protégés in Ethiopia, so long as the latter treaty remains in force.

### Article 5

The two Governments agree to submit to a procedure of conciliation or arbitration any questions which may arise between them, and which it has not been possible to settle by the usual diplomatic means, without having recourse to the force of arms. By common agreement, notes shall be exchanged between the two Governments concerning the method of choosing arbitrators

### Article 6

The present Treaty, which is to be registered with the League of Nations, shall be ratified and the exchange of ratifications shall take place at Addis-Abeba as soon as possible

### Article 7

The present Treaty shall remain in force for twenty years after the exchange of ratifications. On the expiration of this period, it shall be renewed from year to year.

Done in duplicate in the official Italian and Amharic languages, both texts being identical, one copy shall remain in the hands of the Italian Government and one in the hands of the Ethiopian Government.

Addis-Abeba, August 2, 1928. Year VI (Twenty-sixth day of the month of Hamlé of the year of Grace 1901)

### *2. Action in the Council and Assembly of the League of Nations in the Dispute between Ethiopia and Italy*

ON October 2nd the Emperor of Ethiopia informed the Council that Italian troops had violated the Ethiopian

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frontier in the region south of Mount Mussa-Alli, near the frontier of French Somaliland

On October 3rd the Italian Government, to which the above communication had been immediately forwarded, replied that no military movement of Italian detachments had taken place in this region, where, as a matter of fact, the frontier had not yet been delimited.

On October 3rd the Italian Government informed the Council that 'the warlike and aggressive spirit in Ethiopia had succeeded in imposing war against Italy' and had found its latest and complete expression in the order for general mobilization announced by the Emperor on September 28th. That order represented a direct and immediate threat to the Italian troops with the aggravating circumstance of the creation of a neutral zone which, in reality, was only a strategic movement intended to facilitate the assembly and the aggressive preparation of the Ethiopian troops. As a result of the general mobilization, the continual and sanguinary aggression to which Italy had been subjected in the last ten years manifestly involved grave and immediate dangers against which it was essential, for elementary reasons of security, to take action without delay. Confronted by this situation the Italian Government found itself obliged to authorize the High Command in Eritrea to take the necessary measures of defence.

The same day the Ethiopian Government informed the Council that Italian military aeroplanes had bombarded Adowa and Adigrat, and that a battle was taking place in the province of Agame. It added that these facts, occurring on Ethiopian territory, involved a violation of the frontiers of the Empire and a breach of the Covenant by Italian aggression.

On receipt of these communications the President of the Council summoned that body for October 5th.

Meanwhile the Committee, presided over by M. de Madariaga and consisting of representatives of all members of the Council with the exception of the Parties, drew up the report referred to in Article 15, paragraph 4, of the Covenant.

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In this document the Committee retraced the history and circumstances of the dispute, enumerating and analysing the various treaties concluded with or in regard to Ethiopia since 1896. The report then mentioned the circumstances in which Ethiopia had, in 1923, been admitted to the League of Nations, and concluded.

Ethiopia has been admitted into the League of Nations and thus enjoys the rights and is bound by the obligations of Members of the League. Ethiopia is a party to the General Pact for the Renunciation of War, signed at Paris on August 27th, 1928. As from September 18th, 1934, she renewed for two years her acceptance of the Optional Clause of the Statute of the Permanent Court of International Justice. The Covenant of the League of Nations, the Pact of Paris, the Italo-Ethiopian Treaty of Amity, Conciliation and Arbitration of August 2nd, 1928, conceived in the same spirit as these two Pacts, and the Optional Clause of the Statute of the Permanent Court of International Justice are, for Ethiopia and for Italy, solemn undertakings which exclude resort to arms for the settlement of disputes between these two countries.

With regard to the special undertakings subscribed to by Ethiopia on her entry into the League of Nations, it should be noted that, in accordance with the terms of the declaration she signed, 'the fulfilment of these obligations is, she recognizes, a matter in which the League of Nations is concerned', and that, while other countries retain the right to draw the Council's attention to a violation of Ethiopia's special undertakings, the Council alone is competent to examine the matter and make recommendations to the Ethiopian Government.

The Memorandum handed in by the Italian Government on September 4th last sets out complaints against Ethiopia which may be grouped under the three following headings: insecurity of the frontiers, non-fulfilment of the obligations contracted by the Empire on its entry into the League of Nations (slavery, traffic in arms), disturbed internal situation which precluded the fulfilment



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terms of the treaties concerning the status of foreigners and makes it impossible to satisfy the economic interests of Italy

According to the preliminary observations submitted on September 14th by the Ethiopian delegation, it would be necessary to subject to a searching and impartial inquiry the facts invoked by the Italian Government and the accompanying explanations and commentaries. The events which have taken place while this report was being drafted by the Committee make it impossible for the Council now to consider the possibility of such an inquiry. The Council is, however, in a position to establish a certain number of points in connexion with the complaints of the Italian Government

As regards the insecurity of the frontiers of Ethiopia, the Council can refer to the evidence of the two other European Powers which, like Italy, possess territories contiguous with Ethiopia. On the frontiers of these territories there have also occurred raids and incidents affecting the interests of these Powers. They have settled these incidents by diplomatic methods. They have taken account of the fact that, in the present condition of Ethiopia and Ethiopian administration, the almost total absence of communications, and the great difficulty of ensuring the application by the subordinate provincial authorities of the policy of the Central Government at Addis Ababa had prevented the Emperor, in spite of his sincerest intentions, from carrying out the necessary reforms by his own unaided efforts. These incidents and raids along the frontiers of Ethiopia were not in the nature of an aggression sought for or encouraged by the Central Government

Of the three Governments of the contiguous Powers, none has at any time laid any of these incidents before the Council

As regards the non-observance of the obligations assumed by Ethiopia when she entered the League, the reports of the competent organs of the League on the subject of slavery show that comparatively little real progress

has been made in the direction of its abolition, although the Emperor has done all that lay in his power.

With reference to the arms traffic, Ethiopia, as mentioned above, concluded in 1930 a treaty with France, the United Kingdom, and Italy. Although the application of that treaty has given rise to complaints on the part of those three Powers, there is no reason to believe that the Ethiopian Government deliberately or systematically violated its essential provisions.

As to the internal state of Ethiopia, the Governments which, in 1923, supported Ethiopia's request for admission to the League were aware of the internal situation of the Empire at that time. The Minutes of the Sixth Committee of the Assembly show that those Governments considered that the entry of Ethiopia into the League would not only afford her a further guarantee for the maintenance of her territorial integrity and independence, but would help her to reach a higher level of civilization. There does not appear to be more disorder and insecurity in Ethiopia to-day than was the case in 1923. On the contrary, the country is better organized and the central authority is better obeyed.

Whatever may have been its grievances against Ethiopia, the Italian Government had not, previously to September 4th last, submitted them to the organs of the League. Had they been laid before it, the Council would certainly have endeavoured to remedy the situation. Moreover, after the entry into force of the Italo-Ethiopian Treaty of August 2nd, 1928, Italy could, if she preferred it, have recourse for all litigious questions to the procedure of conciliation and arbitration, provided for in Article 5 of that Treaty. At the request of Ethiopia that procedure was applied for the settlement of the Walwal affair. Italy, declaring at the outset that she was the victim of an aggression, demanded apologies and compensation without any previous inquiry. She agreed later that the procedure of arbitration should follow its course.

The appropriate method of helping the Ethiopian Government to make more rapid progress in the matter

of internal reforms is to co-operate with it and assist it, so that it may be in a position resolutely to embark upon the constructive action required, not only to improve the lot of the Ethiopian people and to develop the natural resources of the country, but also to enable the Empire to live in harmony with its neighbours. This the Ethiopian Government itself realizes. At the plenary meeting of the Assembly on September 11th, 1935, its delegate requested the co-operation of the League with a view to raising the economic, financial, and political level of the Empire. As mentioned above, this request was taken into consideration by the Committee of Five in drawing up its scheme of assistance to Ethiopia.

The suggestions of the Committee of Five were accepted, in principle, by the Ethiopian Government. If they were rejected by the Italian Government, it was 'inasmuch as they did not offer a minimum basis sufficient for conclusive realization which would finally and effectively take into account the rights and the vital interests of Italy'. In his oral observations the Italian representative complained that the Committee of Five had completely neglected 'the Italian reasons based on treaties, historical facts, the defence of the Italian colonies and Italy's mission in Africa'. The Committee of Five, he added, should have taken account of 'the peculiar situation of Italy in Ethiopia in consequence of the Tripartite Treaty of 1906 and the previous agreements which form an integral part thereof'. It ought to have considered the territorial rights granted to Italy by Article 4, paragraph (b), of the Tripartite Treaty—i.e. the right to a junction between the Italian colonies of Eritrea and Somaliland to the west of Addis Ababa. Moreover, 'the different peoples which are subject to the tyranny of Abyssinia and live on the frontiers of the country under inhuman conditions' should have been rescued therefrom.

The Committee of Five's plan had necessarily to be based upon the principles of the Covenant, of the Pact of Paris, and also of the treaties which Italy had concluded with Ethiopia, more particularly the Treaty of Amity of

1928 Any solution of the problem of Italo-Ethiopian relations had to be founded on the respect due to the independence, territorial integrity, and security of all the States Members of the League

The Italian memorandum was laid on the Council table on September 4th, 1935, whereas Ethiopia's first appeal to the Council had been made on December 14th, 1934 In the interval between these two dates the Italian Government opposed the consideration of the question by the Council on the ground that the only appropriate procedure was that provided for in the Italo-Ethiopian Treaty of 1928 Throughout the whole of that period, moreover, the dispatch of Italian troops to East Africa was proceeding These shipments of troops were represented to the Council by the Italian Government as necessary for the defence of its colonies menaced by Ethiopia's military preparations Ethiopia, on the contrary, drew attention to the official pronouncements made in Italy which, in its opinion, left no doubt 'as to the hostile intentions of the Italian Government'

From the outset of the dispute the Ethiopian Government has sought a settlement by peaceful means It has appealed to the procedures of the Covenant The Italian Government desiring to keep strictly to the procedure of the Italo-Ethiopian Treaty of 1928, the Ethiopian Government assented, it invariably stated that it would faithfully carry out the arbitral award, even if the decision went against it It agreed that the question of the ownership of Walwal should not be dealt with by the arbitrators, because the Italian Government would not agree to such a course It asked the Council to dispatch neutral observers and offered to give all facilities for any inquiries upon which the Council might decide

Once the Walwal dispute had been settled by arbitration, however, the Italian Government submitted its detailed Memorandum to the Council in support of its claim to liberty of action It asserted that a case like that of Ethiopia cannot be dealt with by the means provided by the Covenant

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It stated that, 'since this question affects vital interests and is of primary importance to Italian security and civilization', it 'would be failing in its most elementary duty, did it not cease once and for all to place any confidence in Ethiopia, reserving full liberty to adopt any measures that may become necessary to ensure the safety of its colonies and to safeguard its own interests'

Such are the circumstances in which hostilities have broken out between Ethiopia and Italy

Having thus stated the facts of the dispute, the Council should now, in accordance with Article 15 of the Covenant, make known 'the recommendations which are deemed just and proper in regard thereto'.

The facts brought to its knowledge since its last meeting by the two parties make it first and foremost the urgent duty of the Council to draw attention to the obligation of conforming to the provisions of the Covenant. For the time being, the only recommendation which it makes is that any violation of the Covenant should immediately be brought to an end

The Council reserves the right to make subsequently such other recommendations as it may consider advisable

The discussion of the report by the Council began on October 5th

Baron Aloisi (Italy) regretted that the Council had not given the Italian Government's Memorandum of September 4th and the declarations accompanying it all the attention they deserved. The Italian Government appreciated the Council's efforts, but did not comprehend the reasons for which it did not see fit, before attempting conciliation, to make a realistic investigation of conditions in Ethiopia. Italy had for several years been a victim of Ethiopian aggression. That country had not been viewed as she really was, that is to say, a State in which a dangerous situation existed, in consequence of the anarchical conditions there prevailing. She had been regarded as if she were a unified State, whereas the greater part of her territory consisted of recently conquered colonies.

Baron Aloisi emphasized that the aggressive character

of Ethiopian mobilization had been proclaimed by the Emperor himself. After that mobilization, Italy could not await the attack of over a million armed men, the operations of the Italian troops were therefore quite legitimate, even within the framework of the Covenant. The alleged withdrawal of Ethiopian troops over 30 kilometres served to hide the real purpose, which was mobilization. If the fact had been taken as a starting-point that Ethiopia was unworthy to belong to the League, that country would never have dared to order a general mobilization against Italy.

The Italian representative concluded by saying that so long as the various factors that had led Ethiopia to take up an aggressive attitude towards Italy were not removed, no equitable solution could be found for the dispute.

M. Teclé Hawariate (Ethiopia) observed that a Member of the League was resorting to war in violation of undertakings given in Articles 12, 13, and 15 of the Covenant, his Government therefore appealed before the Council to the provisions of Article 16. His Government had always endeavoured to do its utmost to further the repeated efforts of the Council and of the Assembly for the maintenance of peace. For over six months Italy had not ceased to send large quantities of troops, arms, and implements of war, thus preparing for the aggression which she had resolved to launch when the rainy season was over. In spite of this threat, Ethiopia had delayed the general mobilization of her forces until the last moment. The Italian Government had sent its troops across the Ethiopian frontier and bombarded defenceless towns and inhabited areas without justification. He concluded by asking the Council to state that this resort to war by Italy had *ipso facto* brought about the consequences laid down in Article 16, paragraph 1, of the Covenant.

On the President's proposal the Council instructed a Committee of six members, the representatives of the United Kingdom, Chile,<sup>1</sup> Denmark, France, Portugal, and Rumania, to report upon the situation. This Com-

<sup>1</sup> The Chilean representative, not having received instructions from

his Government, did not attend the Committee.

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mittee, which was presided over by M. Monteiro (Portugal), met on October 5th and 6th, and adopted a report which was laid before the Council on the 7th. The full text will be found as a supplement. It ended as follows:

After an examination of the facts stated above, the Council has come to the conclusion that the Italian Government has resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations.

On October 7th, after hearing the statements of the parties, the Council took a vote on the report of the Committee of Thirteen. All members, except the parties, were in favour of adopting the report. The Ethiopian representative voted for and the Italian representative against. In these circumstances the report, as provided in paragraph 6 of Article 15, was unanimously adopted.

The Council then considered the report of the Committee of Six.

The Italian representative, Baron Aloisi, protested against the fact that this report was discussed without his having had time to consult his Government in regard to it. He asked that the sitting might be adjourned till the next morning.

The President replied that, five days after the opening of hostilities, the establishment of the existence of a state of war in relation to the obligations of the Covenant compelled the Members of the Council to face their responsibilities. He noted the protest of the Italian representative and declared that Members of the Council would be called upon the same day to state their views as to the conclusions of the Council Committee, and that the Council would hear the Italian representative, should he so desire, at another meeting.

The Members of the Council other than the parties were consulted by roll call, and declared themselves in agreement with the conclusions of the report.

Baron Aloisi declared that he could not accept these conclusions, with which, on the other hand, the Ethiopian representative announced his agreement.

The President then took note that the fourteen Members of the League of Nations represented on the Council considered that they were faced by a war begun in disregard of the obligations contained in Article 12 of the Covenant. Accordingly, the report of the Council Committee and the Minutes of the meeting would be sent to all Members of the League, for the fulfilment of their duties under Article 16 was required by the express terms of the Covenant, and they could not neglect them without a breach of their treaty obligations. As regards the duty of co-ordination which the Council had now to assume, the President of the Assembly had announced that he was summoning that body for the 9th. His colleagues would doubtless feel it desirable to associate the Assembly with their task. In pursuit of that suggestion it was decided that the Council Committee's report and the Minutes of the meeting should be communicated to the President of the Assembly.

On October 9th the Assembly, which had adjourned on September 28th, met again.

The President, M. Beneš, took note of the communication from the President of the Council, forwarding to the Assembly the above-mentioned documents, and declared that, after consulting the General Committee of the Assembly, he had to recommend that the question raised by the President of the Council should be placed on the Assembly's agenda. The Assembly unanimously agreed and decided, also unanimously, to take up the matter at once.

The President emphasized the fact that the Assembly was not taking the place of the Council. It was not resuming the examination of the question under Article 15. Its Members would merely have an opportunity of stating their position with regard to what had taken place in the Council on October 7th. It was for each Government individually to make known its assent or its opposition to the declarations made at the Council's meeting by fourteen Members of the League represented on that body.

He added that he would not take a vote, but that after



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hearing those who desired to express a contrary view or to announce their abstention or their reservations, he would interpret the silence of the others as an assent of their government to the views of the fourteen Members of the Council. After this consultation the Assembly would have to take certain decisions, for instance in regard to setting up a co-ordinating body

The Austrian representative, M Pflugi, after reasserting Austria's attachment to the principles of the League, declared that his country could not forget that, at a fateful moment in her history, Italy had helped to safeguard the integrity of a Member of the League. Austria's economic situation was an exceptional one, and she would not be disloyal to a friendship destined to last into the future. His Government was therefore unable to associate itself with the conclusions reached by other Members of the League.

The Hungarian representative, M de Velics, after referring to the age-long friendship between his country and Italy, asked whether the League, which was an instrument of peace, had, in the present case, really used and exhausted all possible methods. His country was, from the point of view of economic sanctions, in a special position and was unable to associate itself with the conclusions of the fourteen Members of the League.

On October 10th the discussion was continued. The Italian representative, Baron Aloisi, made every reservation with regard to the procedure and regretted that the Italian Government's memorandum of September 4th, in which were set out not only the Italian complaints against Ethiopia, but also the legal and political situation of that country in relation to the League, had remained a dead letter. He complained that the Council had refused the Italian delegation an opportunity of explaining its reasons in due time on the events that had occurred after October 3rd. In the Sino-Japanese dispute the Council and the Assembly were unwilling to give 'even the appearance of precipitancy'.

Dealing with the political side of the question, Baron Aloisi alluded to Italy's collaboration with the League

Ethiopia, on the contrary, had not only failed in its undertakings towards Italy, but also in its obligations towards the League. The Italian Memorandum had shown that Ethiopia did not fulfil the conditions required by Article 1 for membership of the League, whose duty it was to take note of the fact that that country consisted of two regions quite distinct geographically and politically. The League imposed on civilized States limitations of sovereignty in connexion with the rights of minorities, but, where Ethiopia was concerned, it had been blind to such facts as the maintenance of slavery, the mutilation of children and prisoners of war, and the systematic destruction of subjugated populations.

The Committee of Five itself had implicitly recognized, by its suggestions, that Ethiopia did not fulfil the conditions necessary for remaining a Member of the League. Why had not the League accordingly made use of the right of expulsion provided by Article 16, paragraph 4, and why had account not been taken of the fact that the Covenant itself provided an effective method of assisting peoples that were unable to guide themselves?

Italy, being unable to count on the League, had been forced to trust for her safety solely to her own resources. The mobilization recently decided on by Ethiopia rendered that State's aggression an immediate danger and had compelled Italy to adopt adequate military measures.

After stating that Italy relied on three essential Articles of the Covenant—Articles 1, 23, and 16, paragraph 4—he denied that Italy's action was in contradiction with the Pact of Paris.

As regards Italy's legal and political rights, he referred to the fact that her preponderating interest in Ethiopia had been recognized by treaties with the other neighbouring Powers. These treaties had been confirmed by the Italo-British agreement of 1925, which was subsequent to the constitution of the League and to Ethiopia's admission thereto. This was not the first time that the League had recognized a breach of the Covenant. Why, in the Sino-Japanese conflict and in the Chaco affair, had there been

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no talk of sanctions? To do away with war, it must be replaced; for history did not stand still. If the League were to do so, history would pursue its way, which was the way of life. Italy was convinced that she interpreted the true spirit of the League, and was proud to show the League the path that it must follow to become a living and effective force. That path was marked by two principles (1) to set aside the policy of two weights and two measures, (2) to harmonize the Covenant as a whole, the part which relates to evolution with the part which relates to conservation. Caught as she was in the tide of her full spiritual and material development, but confined within territorial limits that were stifling her, Italy must make her voice heard in this Assembly, as the voice of the proletariat calling for justice.

After declarations by the representatives of France, the United Kingdom, Switzerland, U S S R, Haiti, Mexico, Chile, Venezuela, the Little Entente, Uruguay, the Balkan Entente, Ecuador, Peru, and Bolivia, expressing agreement with the findings of the fourteen Members of the Council, the Ethiopian representative, M. Teclé Hawariaté, said that his Government was engaged in operations of legitimate defence. But it was ready to conclude an honourable peace. As the victim of an unjust war, it was, however, resolved to defend its independence and its integrity and would never yield to force or accept any condition that offered a premium to the aggressor.

On the proposal of the General Committee the Assembly, taking into consideration the obligations which rested upon Members in virtue of Article 16 of the Covenant, and the desirability of co-ordinating the measures which they might severally contemplate, recommended that Members of the League other than the parties should form a committee consisting of one delegate, assisted by experts, for each Member, to consider and facilitate the co-ordination of such measures and, if necessary, draw the attention of the Council or the Assembly to the situations requiring to be examined by them. This recommendation was voted unanimously, save for the contrary

vote of Italy and the abstentions of the Austrian and Hungarian representatives

On October 11th, after a speech by the Albanian representative saying that 'in view of its political relations with Italy, the Albanian Government could not endorse the decision to apply sanctions against that country', the Assembly again adjourned

Before closing the meeting, the President, M. Beneš, referred to the circumstances in which the Council and the Assembly had reached their findings. All the Members of the League, without exception, had been able to become acquainted with the documents relating to the dispute. The Memorandum by the Italian Government had been studied by the Council and, in particular, by a Committee of five members of that body, who had been requested to seek for a pacific settlement, it was also communicated to all the Members of the League. A Sub-Committee consisting of the representatives of the Members of the Council belonging to the Committee of Five had further been instructed to extract from it the points regarding the situation which it was desired to remedy.

The Committee of Five made suggestions to the Ethiopian and Italian Governments. The preparation of these suggestions was facilitated by the fact that the first delegate of Ethiopia had applied for the help of the League, with a view to certain reforms desired by the Ethiopian Government itself. The Committee had endeavoured to take the fullest possible account of the grievances set out in the Italian Memorandum. It was not called upon to express an opinion on these grievances, but it had taken note of the facts, with a view to preparing the proposals which it was called upon to submit simultaneously to both parties.

After the failure of the conciliatory efforts of the Committee of Five, the Memorandum had been examined by the members of the Committee of Thirteen appointed to draft the report under Article 15, paragraph 4, of the Covenant. Several paragraphs of that report referred to it and to the scope of the grievances therein mentioned. Those grievances were examined in the light of the docu-

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mentary material already in the possession of the League (in particular, the reports of the Slavery Committee) and of information supplied by the delegations of France and the United Kingdom, the other two Powers adjacent to Ethiopia

In the Assembly, of the fifty-four Members present, fifty States had expressed an opinion in accordance with the report of the Council Committee concerning events in Ethiopia, which report had been approved by the fourteen Members of the Council and declared that there had been a recourse to war contrary to Article 12 of the Covenant. Three Members of the Assembly had expressed a contrary view, and a fourth had spoken against the application of sanctions. With regard to the co-ordination of the measures to be taken under Article 16, which question was brought up in the Assembly by the fact that the President of the Council had transmitted to the President of the Assembly the Minutes of the Council's meeting of October 7th, 1935, the Assembly recommended that the States Members of the League, acting severally—without the parties to the dispute—should set up a Committee of Co-ordination, that Committee had just met for the first time. M. Beneš emphasized that the whole Assembly desired the rapid restoration of peace. As the President of the Council pointed out on October 7th, Article 11 of the Covenant stipulates that even in case of war the Council must take any action that may be deemed wise and effectual to safeguard the peace of nations. The Council had consequently stated that it would remain at the disposal of the parties, in order to aid them in establishing the conditions under which hostilities might be brought to an end. The Assembly could only hope that this statement would be accepted by the two parties in the spirit in which it was made by the Council—that is to say, in a spirit of collaboration.

In conclusion, M. Beneš said that he would keep in touch with the President of the Council and with the Secretary-General, in order to take the appropriate steps, should it be necessary, to summon the Assembly again.

3. *Efforts of Conciliation*

*M Laval, November 2, 1935*

Now that the Co-ordination Committee has fixed the date for the entry into force of certain economic measures, I should like to remind you that, as I have constantly stated to the League, my country is loyally applying the Covenant

It will comply with the prescriptions jointly adopted by the various Governments represented here

We have all—and I should like to emphasize this point on the very day on which we are taking an important decision—another duty to fulfil, one that is dictated by the spirit of the Covenant. We must endeavour to seek, as speedily as possible, for an amicable settlement of the dispute. The French Government and the United Kingdom Government are agreed that their co-operation shall be exerted also in this sphere

This duty is particularly imperative for France, which, on January 7th last, signed a treaty of friendship with Italy. I shall therefore stubbornly pursue my attempt—from which nothing will deter me—to find elements that might serve as a basis for negotiations. It is thus that I have initiated conversations, though I have never had the slightest intention of putting the results into final shape outside the League. It is only within the framework of the League that proposals can be examined and decisions reached

I am convinced that the League will succeed in carrying out its lofty and noble mission of peace, thus fulfilling the hopes of all those who, in every part of the world, have put their faith in it

*Sir Samuel Hoare, November 2, 1935*

I wish to state, in a few words, and quite simply, what I understand to be the meaning of the decision we are taking to-day. On November 18th all exports from Italy to those Members of the League participating in the sanction contained in Proposal III will cease. A Com-

mittee will, between now and November 18th, examine certain cases in which it may prove desirable to recommend special treatment. But, whatever the decisions reached by that Committee, the rule itself remains inviolate and will be strictly observed by us all.

I will only add that it is with great regret that we have been forced to take this action. We felt, however, that for those of us who are determined to uphold the principles of the Covenant and collective security, no other course is possible. If the League is to retain its influence, collective action is inevitable. The object of our action is to shorten the duration of the war. We hope and believe that it will succeed in achieving this purpose. In any case, we shall all of us continue to search for peace and work for peace along lines that are honourable to all concerned.

I have listened with great sympathy and with full approval of the words uttered by M. Laval. He has accurately expressed what is in the minds of all of us. On the one hand, as loyal Members of the League, we feel it our bounden duty to carry out our obligations and to undertake the duty imposed upon us by the Covenant. On the other hand, we are under a no less insistent obligation to strive for a speedy and honourable settlement of the controversy. It is common talk that, during the last few days, there have been conversations taking place between Rome, Paris, and London on the possibilities of such a settlement. There is nothing mysterious or sinister about these discussions. It is the duty of all of us to explore the road of peace. This is what we have been doing and this is what we shall continue to do. Up to the present, the conversations have been nothing more than an exchange of tentative suggestions. They have had, as yet, no positive outcome. There is therefore nothing to report. If and when these suggestions take a more definite form, we shall take the earliest opportunity to bring them before the Council in the most appropriate manner. Nothing is farther from our minds than to make and conclude an agreement behind the back of the League. Nothing is farther from our minds than to make an agree-

ment that is not acceptable to all three parties to the controversy. For let us not forget that there are three parties in the controversy—the League, Ethiopia, and Italy. At present, there are no proposals that we can bring before the Council and, in view of the great complexity of the problem, it may be some time before any proposals can be made. No one can prophesy whether we shall succeed or fail in our attempt to find a basis of settlement. Of one thing, however, I can assure this Committee: we shall constantly act within the framework of the Covenant and take the earliest practicable opportunity of reporting the results of our endeavours to the Council. It is essential to act in the spirit of impartial justice towards the three parties in the controversy—the League, Italy, and Ethiopia.

I feel sure that every one in this room will approve of our action and wish well to all who are pursuing the path of an honourable peace.

*M. Potemkine, November 2, 1935*

TRUE, the war in Africa is continuing, blood is being shed in Ethiopia. But the League has given its verdict on the breach of the Covenant. Its machinery has been set in motion. In a few days the Members of the League will have to bring into operation measures to promote the cessation of hostilities and the re-establishment of peace on the basis of general security. Since, however, this is the League's first experiment in applying sanctions, certain gaps may still be found. But, if the application of these measures is general, complete, and loyal, it may produce a definite result.

During the framing of these various measures there has been some hesitation at certain points, and even isolated cases of defection, but the enormous majority of the Members of the League have agreed to the sanctions resolutely and immediately. The application of these measures will call for sacrifice, but what price can be too high when we have to defend the interests of peace?

It is to safeguard the cause of peace now and in the



future that the States Members of the League are acting to-day. They are urged on by a spontaneous, a universal, impulse. The peoples who are joining in this movement are stirred by a feeling of solidarity to resist the common peril. The world, it seems, is beginning to realize that peace is indivisible. It is becoming manifest to international public opinion that there is no fundamental difference between a conflict close at hand and a conflict at a distance—in Africa or in Europe. The idea of localizing and isolating conflicts inevitably leaves the aggressor free to act as he pleases. It is an imperative necessity to prevent a world catastrophe by nipping it in the bud. The best means of achieving this is collective action—firm, resolute, and unanimous. The gravity of the measures upon which we have just decided will perhaps help to strengthen the tendency towards a pacific settlement of the Italo-Ethiopian dispute. It will perhaps facilitate the efforts to attain that end.

If a friendly settlement, within the framework of the League and consistent with the principles of independence, sovereignty, and equality between its Members, could be reached, the Soviet delegation would be the first to express its satisfaction. That would be the best possible outcome. In that event the present mobilization of the League might be regarded as a valuable experience for the future. It would serve as an example and a warning to all and would show that the peoples Members of the League are always ready unanimously and effectively to resist attempts from any quarter to violate world peace.

#### 4. *The Withdrawal of Sanctions*

*Assembly Debate, June 30–July 4, 1936*

H.M. HAILE SELASSIE (*Ethiopia*) I, Haile Selassie I, Emperor of Ethiopia, am here to-day to claim that justice that is due to my people, and the assistance promised to it eight months ago by fifty-two nations who asserted that an act of aggression had been committed in violation of international treaties.

None other than the Emperor can address the appeal of the Ethiopian people to those fifty-two nations

There is perhaps no precedent for a head of a State himself speaking in this Assembly. But there is certainly no precedent for a people being the victim of such wrongs and being threatened with abandonment to its aggressor. Nor has there ever been an example of any Government proceeding to the systematic extermination of a nation by barbarous means, in violation of the most solemn promises made to all the nations of the earth that there should be no resort to a war of conquest and that there should not be used against innocent human beings the terrible weapon of poison gas. It is to defend a people struggling for its age-old independence that the Head of the Ethiopian Empire has come to Geneva to fulfil this supreme duty, after having himself fought at the head of his armies . . .

It is not only upon warriors that the Italian Government has made war. It has, above all, attacked populations far removed from hostilities, in order to terrorize and exterminate them.

At the outset, towards the end of 1935, Italian aircraft hurled tear-gas bombs upon my armies. They had but slight effect. The soldiers learned to scatter, waiting until the wind had rapidly dispersed the poisonous gases.

The Italian aircraft then resorted to mustard gas. Barrels of liquid were hurled upon armed groups. But this means too was ineffective, the liquid affected only a few soldiers, and the barrels upon the ground themselves gave warning of the danger to the troops and to the population.

It was at the time when the operations for the encirclement of Makale were taking place that the Italian command, fearing a rout, applied the procedure which it is now my duty to denounce to the world.

Sprayers were installed on board aircraft so that they could vaporize, over vast areas of territory, a fine, death-dealing rain. Groups of nine, fifteen, eighteen aircraft followed one another so that the fog issuing from them formed a continuous sheet. It was thus that, from the end of January, 1936, soldiers, women, children, cattle, rivers,

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lakes, and fields were constantly drenched with this deadly rain. In order to kill off systematically all living creatures, in order the more surely to poison waters and pastures, the Italian command made its aircraft pass over and over again. That was his chief method of warfare.

The very refinement of barbarism consisted in carrying devastation and terror into the most densely populated parts of the territory, the points farthest removed from the scene of hostilities. The object was to scatter horror and death over a great part of the Ethiopian territory.

These fearful tactics succeeded. Men and animals succumbed. The deadly rain that fell from the aircraft made all those whom it touched fly shrieking with pain. All who drank the poisoned water or ate the infected food succumbed too, in dreadful suffering. In tens of thousands the victims of the Italian mustard gas fell . . .

None other than myself and my gallant companions in arms could bring the League of Nations undeniable proof. The appeals of my delegates to the League of Nations had remained unanswered, my delegates had not been eye-witnesses. That is why I decided to come myself to testify against the crime perpetrated against my people and to give Europe warning of the doom that awaits it if it bows before the accomplished fact . . .

For twenty years past, as Heir-Apparent, Regent of the Empire, and as Emperor, I have been directing the destinies of my people. I have ceaselessly striven to bring to my country the benefits of civilization, and especially to establish relations of good neighbourliness with adjacent Powers. In particular, I succeeded in concluding with Italy the Treaty of Friendship of 1928, which absolutely prohibited the resort, under whatsoever pretext, to force of arms, substituting for force the procedure of conciliation and arbitration on which civilized nations have based international order.

In its report of October 5th, 1935, the Committee of Thirteen recognized my efforts and the results I had achieved. It stated as follows: 'The Governments considered that the entry of Ethiopia into the League would

not only afford her a further guarantee for the maintenance of her territorial integrity and independence, but would help her to reach a higher level of civilization. There does not appear to be more disorder and insecurity in Ethiopia to-day than was the case in 1923. On the contrary, the country is better organized and the central authority is better obeyed.'

I should have procured still greater results for my people had not obstacles of every kind been put in the way by the Italian Government, which stirred up revolt and armed the rebels.

Indeed, the Rome Government, as it has thought fit to proclaim openly to-day, has been ceaselessly preparing for the conquest of Ethiopia. The treaties of friendship it signed with me were not sincere, their only object was to *hide its real intention from me*. The Italian Government asserts that for fourteen years it has been preparing for its present conquest. It therefore recognizes to-day that, when it supported the admission of Ethiopia to the League of Nations in 1923, when it concluded the Treaty of Friendship in 1928, when it signed the Pact of Paris outlawing war, it was deceiving the whole world.

The Walwal incident in December 1934 came as a thunderbolt to me. The Italian provocation was obvious. I did not hesitate to appeal to the League of Nations. I invoked the provisions of the Treaty of 1928, the principles of the Covenant, I urged the procedure of conciliation and arbitration.

Unhappily for Ethiopia, this was the time when a certain Government considered that the European situation made it imperative at any price to obtain the friendship of Italy. The price paid was the abandonment of Ethiopian independence to the greed of the Italian Government. This secret agreement, contrary to the obligations of the Covenant, has exerted a great influence over the course of events. Ethiopia, and the whole world, have suffered and are still suffering to-day its disastrous consequences.

The art traitors—two of whom were Italian officials—

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were forced to recognize unanimously that in the Walwal incident, as in the subsequent incidents, no international responsibility was attributable to Ethiopia

After this award, the Ethiopian Government sincerely thought that an era of friendly relations might be opened with Italy. I loyally offered my hand to the Rome Government .

From the outset of the dispute, the Ethiopian Government has sought a settlement by peaceful means. It has appealed to the procedures of the Covenant. The Italian Government desiring to keep strictly to the procedure of the Italo-Ethiopian Treaty of 1928, the Ethiopian Government assented, it invariably stated that it would faithfully carry out the arbitral award, even if the decision went against it. It agreed that the question of the ownership of Walwal should not be dealt with by the arbitrators, because the Italian Government would not agree to such a course. It asked the Council to dispatch neutral observers and offered to lend itself to any inquiries upon which the Council might decide.

Once the Walwal dispute had been settled by arbitration, however, the Italian Government submitted its detailed memorandum to the Council in support of its claim to liberty of action. It asserted that a case like that of Ethiopia cannot be settled by the means provided by the Covenant.

It stated that, 'since this question affects vital interests and is of primary importance to Italian security and civilization', it 'would be failing in its most elementary duty, did it not cease once and for all to place any confidence in Ethiopia, reserving full liberty to adopt any measures that may become necessary to ensure the safety of its colonies and to safeguard its own interests'.

Such are the terms of the Committee of Thirteen's report. The Council and the Assembly unanimously adopted the conclusions of that report and solemnly proclaimed that the Italian Government had violated the Covenant and was in a state of aggression.

I unhesitatingly stated that I did not want war, that it was imposed upon me, and that I should struggle solely for the independence and integrity of my people, and that in that struggle I was defending the cause of all small States exposed to the greed of a powerful neighbour.

In October 1935 the fifty-two nations who are listening to me to-day gave me an assurance that the aggressor would not triumph, that the resources of the Covenant would be implemented in order to ensure the rule of law and the failure of violence

I ask the fifty-two nations not to forget to-day the policy upon which they embarked eight months ago, and on the faith of which I directed the resistance of my people against the aggressor whom they had denounced to the world

Despite the inferiority of my weapons, the complete lack of aircraft, artillery, munitions, and hospital services, my trust in the League was absolute. I thought it impossible that fifty-two nations, including the most powerful in the world, could be successfully held in check by a single aggressor. Relying on the faith due to treaties, I had made no preparation for war, and that is the case with a number of small countries in Europe. When the danger became more urgent, conscious of my responsibilities towards my people, I tried, during the first six months of 1935, to acquire armaments. Many Governments proclaimed an embargo to prevent my doing so, whereas the Italian Government, through the Suez Canal, was given all facilities for transporting, without cessation and without protest, troops, arms, and munitions. On October 3rd, 1935, Italian troops invaded my territory. Not until a few hours later did I decree a general mobilization. In my desire to maintain peace, I had, following the example of a great country in Europe on the eve of the great war, caused my troops to withdraw thirty kilometres back so as to remove any pretext of provocation.

In that unequal struggle between a Government commanding more than forty-two million inhabitants, having at its disposal financial, industrial, and technical means which enabled it to create unlimited quantities of the most death-dealing weapons, and, on the other hand, a small people of twelve million inhabitants, without arms, without resources, having on its side nothing but the justice of its own cause and the promise of the League of Nations,

what real assistance was given to Ethiopia by the fifty-two nations who had declared the Rome Government guilty of a breach of the Covenant and had undertaken to prevent the triumph of the aggressor? Has each of the States Members, as it was its duty to do in virtue of its signature appended to Article 16 of the Covenant, considered the aggressor to have committed an act of war personally directed against itself? I had placed all my hopes in the fulfilment of these undertakings. My trust had been confirmed by the repeated declarations made in the Council to the effect that aggression must not be rewarded, and that in the end force would be compelled to bow before law.

In December 1935 the Council made it quite clear that its sentiments were in harmony with those of hundreds of millions of people who, in all parts of the world, had protested against the proposal to dismember Ethiopia.

It was constantly repeated that there was not merely a conflict between the Italian Government and Ethiopia, but also a conflict between the Italian Government and the League of Nations.

That is why I refused all proposals to my personal advantage made to me by the Italian Government if only I would betray my people and the Covenant of the League. I was defending the cause of all small peoples who are threatened with aggression.

As early as October 1935 I noted with grief, but without surprise, that there were three Powers which regarded their undertakings under the Covenant as absolutely valueless. Their connexions with Italy impelled them to refuse to take any measures whatsoever to stop Italian aggression.

On the other hand, it was a profound disappointment to me to note the attitude of a certain Government which, whilst tirelessly protesting its scrupulous attachment to the Covenant, has equally tirelessly striven to prevent its observance. As soon as any measure which was likely to be rapidly effective was proposed, pretexts in one form or another were devised to postpone even consideration

of that measure Did the secret agreements of January 1935 provide for this tireless obstruction?

The Ethiopian Government never expected other Governments to shed their soldiers' blood to defend the Covenant when their own immediate personal interests were not at stake Ethiopian warriors asked only for means to defend themselves On many occasions I asked for financial assistance for the purchase of arms That assistance was constantly denied me What, then, in practice, is the meaning of Article 16 of the Covenant and of collective security?

The Ethiopian Government's use of the railway from Jibuti to Addis Ababa was in practice obstructed as regards the transport of arms intended for the Ethiopian forces Yet at the present moment this is the chief, if not the only, means of supplying the Italian armies of occupation The rules of neutrality should prohibit transports intended for the Italian forces, but in this case there is not even neutrality, since Article 16 lays upon every State Member of the League the duty not to remain a neutral, but to come to the aid, not of the aggressor, but of the victim of aggression Has the Covenant been respected? Is it being respected to-day?

Finally, statements have just been made in their respective Parliaments by the Governments of certain Powers, the most influential Members of the League of Nations, that, since the aggressor has succeeded in occupying a large part of Ethiopian territory, they propose not to continue the application of any of the economic and financial measures decided upon against the Italian Government . . .

I assert that the issue before the Assembly to-day is a much wider one It is not merely a question of a settlement in the matter of Italian aggression It is a question of collective security, of the very existence of the League, of the trust placed by States in international treaties, of the value of promises made to small States that their integrity and their independence shall be respected and assured It is a choice between the principle of the



equality of States and the imposition upon small Powers of the bonds of vassalage. In a word, it is international morality which is at stake. Have treaty signatures a value only in so far as the signatory Powers have a personal, direct, and immediate interest involved?

No subtle reasoning can change the nature of the problem or shift the grounds of the discussion. It is in all sincerity that I submit these considerations to the Assembly. At a time when my people is threatened with extermination, when the support of the League may avert the final blow, I may be allowed to speak with complete frankness, without reticence, in all directness, such as is demanded by the rule of equality between all States Members of the League. Apart from the Kingdom of God, there is not on this earth any nation that is higher than any other. If a strong Government finds that it can, with impunity, destroy a weak people, then the hour has struck for that weak people to appeal to the League of Nations to give its judgement in all freedom. God and history will remember your judgement.

I have heard it asserted that the inadequate sanctions already applied have not achieved their object. At no time, in no circumstances, could sanctions that were intentionally inadequate, intentionally ill applied, stop an aggressor. This is not a case of impossibility, but of refusal to stop an aggressor. When Ethiopia asked—as she still asks—that she should be given financial assistance, was that a measure impossible to apply? Had not the financial assistance of the League already been granted—and that in time of peace—to two countries, the very two countries which in the present case refused to apply sanctions against the aggressor?

The initiative has to-day been taken—it is with pain that I record the fact—to raise sanctions. What does this initiative mean in practice but the abandonment of Ethiopia to the aggressor? Coming as it does on the very eve of the day when I was about to attempt a supreme effort in the defence of my people before this Assembly, does not this initiative deprive Ethiopia of one of her last

chances of succeeding in obtaining the support and guarantee of States Members? Is that the guidance that the League of Nations and each of the States Members are entitled to expect from the great Powers when they assert their right and their duty to guide the action of the League?

Placed by the aggressor face to face with the accomplished fact, are States going to set up the terrible precedent of bowing before force?

The Assembly will doubtless have before it proposals for reforming the Covenant and rendering the guarantee of collective security more effective. Is it the Covenant that needs reform? What undertakings can have any value if the will to fulfil them is lacking? It is international morality that is at stake, and not the articles of the Covenant.

On behalf of the Ethiopian people, a Member of the League of Nations, I ask the Assembly to take all measures proper to secure respect for the Covenant. I renew my protest against the violations of treaties of which the Ethiopian people has been the victim. I declare before the whole world that the Emperor, the Government, and the people of Ethiopia will not bow before force, that they uphold their claims, that they will use all means in their power to ensure the triumph of right and respect for the Covenant.

I ask the fifty-two nations who have given the Ethiopian people a promise to help them in their resistance to the aggressor. What are they willing to do for Ethiopia?

I ask the great Powers, who have promised the guarantee of collective security to small States—those small States over whom hangs the threat that they may one day suffer the fate of Ethiopia. What measures do they intend to take?

Representatives of the world, I have come to Geneva to discharge in your midst the most painful of the duties of the head of a State. What answer am I to take back to my people?

THE WATER (*Union of South Africa*). Yet to-day we know that the Covenant is falling to pieces in our hands. Fifty nations, led by three of the most powerful nations in the world, are about to declare their powerlessness to protect the weakest in their midst from destruction.

The authority of the League of Nations is about to come to nought.

My Government, whom I have the honour to represent, desires me to say here that this renunciation by the most powerful Members of the League of the collective decision most solemnly taken by us all, under the obligation by which we declared ourselves bound, can alone be interpreted as surrender by them of the authority of the League—a surrender of the high trust and ideals of world peace entrusted to each member nation of this institution. I am to declare that this surrender, if it is agreed upon by the nations, cannot be interpreted as impotence to safeguard that trust, but as a simple denial of their ability to bear the sacrifices for the fulfilment of their obligations.

The Union of South Africa cannot, without protest, subscribe to a declaration to the world which, in their profound belief, will shatter for generations all international confidence and all hope of realizing world peace. For it is idle to suppose that, by a process of reconstruction thereafter, the League can survive as an instrument of world influence and peace.

This action of the great Powers—what will it achieve? Where will it lead us now? Before, there was order here. The prestige of the League reborn, the hope of the world running high—this was the picture then. We had succeeded in reducing the disunity of the nations to a single variable—the sanction front of fifty nations, a compression of the disorder of the world into a single manageable group—a vast mass movement, an instinctive drawing together of the nations of the League. Those who stood outside watched silently and were moving nearer in sympathy.

But now? The hand is being thrown in. Order is losing to chaos. The spectacle of power has hypnotized the world.

The nations are arming feverishly—all of us. What will

be the end? Where are the great Powers leading us, who have not the faith to persevere?

Are the people of our countries helpless, inarticulate, like sheep facing the terror, to be fed to these engines of destruction which the nations are so proudly building?

If not, for what purpose then are we pouring out treasure and exhausting the resources of science in the vastest mass-production of armaments ever known to history?

To defend ourselves?

But will the building of armaments prevent the holocaust while the ambition and greed of nations govern their policies?

It is not for this that the nations convenanted, by a collective pledge of mutual assistance, to maintain their security against ambition and aggression

And if there is to be no loyalty to that pledge, if fear, like a wedge, is to be driven into the ranks of the covenanters, or if the nations are to be cut into separate groups, cowering into their separate pens, what must be their inevitable fate, what black despair must settle upon the face of Europe!

It is being widely questioned What can sanctions achieve now? Have they not failed in their object which, it is claimed, was the preservation of Ethiopian sovereignty? To continue sanctions in the face of the destruction of that sovereignty by Italy, would not that in effect be an illegal attempt by the League of Nations to punish the successful aggressor?

Of those who question thus, my Government would ask in turn Can it be said, can it be justly claimed, that the triumph of the organized might of Italy over the undisciplined and ill-equipped black armies of Ethiopia was not foreseeable? Did the fifty nations, when they solemnly bound themselves to collective action under the Covenant of the League, make the successful resistance of Ethiopia a condition precedent to the fulfilment of their collective obligation?

These questions my Government has not evaded or found difficult of reply

Nor does the Union of South Africa look upon the restraining action of sanctions upon Italy as the only justification of their retention. Of far greater importance than their restraining effect upon Italy is the proof of loyalty to the League and the determination to respect its obligations, which is borne witness to by their retention, in order to vindicate the wrongs inflicted upon a fellow Member. Was not this reciprocal vindication of violated rights by the combined efforts of the League of Nations against an aggressor the very reason why we all became Members of the League?

Surely these considerations which I have just examined, and their implications, must have been, and, indeed, were, weighed by us all when we acknowledged our obligations under the Covenant and gave judgement against Italy.

My Government has again examined its own conduct in this matter scrupulously and conscientiously. It can find no new factor in the present situation which did not in fact, or potentially, exist when it announced its decision from this place to honour its obligations and to participate in collective action against the aggressor nation. On the contrary, the destruction of Ethiopian sovereignty by Italy and the annexation of the territory of a country which at no time menaced the safety of Italy creates now the exact state of affairs which this League was designed to avoid, and which we are all still pledged to prevent by every agreed means in our power, and to refuse to acknowledge.

If the League were to refuse that vindication to any one of its Members, it would disclose itself a mere pretender, should Italy be held to have succeeded in retaining her spoils, not in spite of the authority of the League, but because of the abdication of that authority, what else, then, can this League mean?

If the great Powers, in whose hands in the last resort lies the safety of nations, accepting success as the yardstick by which the acts of the Covenant-breakers are to be measured, can rebuild on the broken pledge, if these are policies of realism, let them be demonstrated, so that we

may know whether we may continue to collaborate with them in the maintenance and organization of peace

And so I beg to announce the decision of my Government that it is still prepared to maintain the collective action legitimately agreed upon by the resolution of this Assembly of the League of Nations on October 10th, 1935

We offer this course, which, in our deep conviction, will alone maintain the League of Nations as an instrument of security for its Members. We commend it to this Assembly even at this eleventh hour as the only way which will ensure salvation to the nations

THE RT HON ANTHONY EDEN (*United Kingdom*). Yesterday, we all listened to an appeal by the Emperor of Ethiopia, delivered with a dignity which must have evoked the sympathy of each one of us. Not one of us here present can contemplate, with any measure of satisfaction, the circumstances in which this Assembly meets on this occasion. It is an occasion painful for us all.

In my belief, it is the more necessary, therefore, in the interests of every Member of the League, and of the League itself as an organization, that the facts should be squarely faced.

What are they? So far as the application of sanctions in the Italo-Ethiopian dispute is concerned, the Members of the League have together and in common applied certain economic and financial measures which they were in a position to impose and which they thought could be made effective by their own action alone—yet we are all conscious to-day that these measures have failed to fulfil the purpose for which they were imposed. It is not that the measures in themselves have been without effect, but that the conditions in which they were expected to operate have not been realized. The course of military events and the local situation in Ethiopia have brought us to a point at which the sanctions at present in force are incapable of reversing the order of events in that country. That fact is, unhappily, fundamental.

Let me make quite clear, then, the position of the Government I have the honour to represent. Had His

Majesty's Government in the United Kingdom any reason to believe that the maintenance of existing sanctions, or even the addition to them of other economic measures, would re-establish the position in Ethiopia then it would be prepared, for its part, to advocate such a policy and, if other Members of the League agreed, to join in its application. In view of the facts of the present situation in Ethiopia, His Majesty's Government finds it impossible to entertain any such belief. In our view it is only military action—military action—that could now produce this result. I cannot believe that, in present world conditions, such military action could be considered a possibility.

This is the situation with which we are confronted. The realities have to be recognized. In the light of them, I can only repeat, and repeat with infinite regret, the opinion that I have already expressed on behalf of His Majesty's Government in the United Kingdom—that, in existing conditions, the continuation of the sanctions at present in force can serve no useful purpose. At the same time, it is the view of His Majesty's Government that this Assembly should not in any way recognize Italy's conquest over Ethiopia. Moreover, if the harsh realities of the situation must determine our attitude towards the maintenance of the measures we have adopted they cannot, in our judgement, involve any modification of the view of Italy's action expressed by fifty Members of the League last autumn.

There is one matter of particular concern to His Majesty's Government in the United Kingdom to which I may perhaps be allowed at this point to refer. I may recall to the Assembly that, on January 22nd last, His Majesty's Government presented to the Co-ordination Committee a memorandum regarding the results of the exchanges of views which had taken place between us and certain other Governments in connexion with the application of Article 16 of the Covenant. In paragraph 10 of that memorandum it is stated that His Majesty's Government had given reciprocal assurances to certain Govern-

ments to the effect that they intended faithfully to apply all the sanctions devolving upon them under the Covenant in consequence of the measures taken in application of Article 16

Should it be decided that the existing sanctions should not longer be continued, it is the view of His Majesty's Government that these assurances it has given should not end with the discontinuance of the sanctions, but should continue to cover the temporary period of uncertainty which might ensue His Majesty's Government declares accordingly that it is prepared to stand by these assurances in the event of a situation arising which would have brought them into force were action under Article 16 still continuing

It will be appreciated that this declaration is made with the object of removing certain preoccupations which may exist in the present transitional period and it is intended to operate only so long as, in the opinion of His Majesty's Government, it remains appropriate to the existing circumstances Are we to say, because we have failed on this occasion to make the rule of law prevail over the rule of force, that we are therefore finally to abandon this object? Certainly not His Majesty's Government cannot accept such a view How many efforts have been needed in history to realize objectives of far less significance to the ultimate destiny of the human race? With such an objective as this before us our endeavour must be centred upon the task of reconstruction

It is, however, clear that the lessons of the last few months must be embodied in our practice Some people may say It is the men and not the machinery that have failed No doubt there is force in that contention, but we have to probe a little deeper than that What were the reasons for the failure? Let us consider this matter for the moment, for it is of vital importance to the future of the League

Was failure due to the fact that there are certain risks which nations are not prepared to run save where their own interests are more directly at stake than they were in



this case? Clearly, the ideal system of collective security is one in which all nations are prepared to go to all lengths—military lengths—to deal with any aggressor. That is the ideal, but, if such an ideal cannot be at present attained—and I agree with the Prime Minister of France that a heavily armed world greatly increases the difficulty of its attainment, and let us not forget how much the difficulty of our task has been increased thereby in the last few months—if such an ideal cannot be attained at present, it is surely our duty to amend, not necessarily our rule of law, but the methods by which it is to be enforced, so that these may correspond to the action which nations are in fact ready and willing to take

There is another consideration which it is idle to ignore. This dispute was not an isolated event in a world which had no other cause for anxiety. We, as Members of a League which is not universal, are inevitably conscious in more or less degree of the existence of other anxieties.

It may be that some preliminary exchanges of views on the subject of the League's future can usefully take place during the present session, but it is essential, in our view, that all countries should have sufficient time and opportunity to consider in detail the problem that confronts them. There must, however, be no avoidable delay, and I suggest therefore that the time to get to grips with this problem—and to get to grips with the determination to resolve it—should be at the Assembly in September.

If I have tried to indicate some of the lessons of recent months, it is not because I believe that His Majesty's Government in the United Kingdom or the League of Nations need proffer any apology for having made an attempt which has no parallel in history. However deeply, however sincerely, we may deplore its outcome, we cannot regret, nor, I think, will history regret, that the attempt was made.

... So far as His Majesty's Government is concerned, our policy has been based on the principles for which the League stands. We retain our faith in these principles.

## XLVII

### BRITISH REARMAMENT

*Statement relating to Defence presented by the Prime Minister to Parliament by Command of His Majesty, March 3, 1936*

#### I

IN March of last year, His Majesty's Government in the United Kingdom acceded to a suggestion which had often been made that consideration by the House of Commons of the estimates for the Defence Services should be preceded by a Debate on Imperial Defence as a whole. Before the Debate, a White Paper, dated the 1st March, 1935, was issued in order to indicate generally the policy of the Government on Imperial Defence, and the conditions which necessitated their proposals (Cmd. 4827). This year it is proposed to follow the same procedure. Indeed, developments which have taken place in the world during the intervening twelve months make it more than ever necessary that the House of Commons, before discussing details of estimates, should make a comprehensive survey of the general problems of defence and should have placed before it the reason and the justification for the scheme of increased expenditure which it will be asked to authorize.

2 The previous White Paper began by pointing out what is the relation between diplomatic and political action on the one hand, and expenditure on the Navy, Army, and Air Force on the other. It said: 'The establishment of peace on a permanent footing is the principal aim of British foreign policy. The first and strongest defence of the peoples, territories, cities, overseas trade and communications of the British Empire is provided by the maintenance of peace. If war can be banished from the world, these vast and world-wide interests will remain free from the dangers of attack, and the great work of

civilization and trade will proceed unhampered by the fears that have hindered their progress from the earliest recorded times until to-day. That is why every British Government is bound to use its utmost endeavours to maintain peace.'

The White Paper went on to describe the chief methods which British policy is pursuing to secure the establishment of peace on a permanent footing, and amongst them laid emphasis on unswerving support of the League of Nations, on the promotion of collective security, and on repeated efforts and initiatives to promote better international understanding, and to reach international agreement for the reduction and limitation of armaments. These objects and purposes continue to inspire British policy, and the programme of defence expenditure which the country now has to face does not imply any reversal or qualification of them, but is on the contrary the indispensable condition of their attainment.

3 In recent years successive Governments have deliberately taken the course of postponing defence expenditure which would certainly have been justified and might indeed have been regarded as necessary, in order to give the best possible opportunity for the development of a new international order in which such expenditure might be avoided. Our action was thus described in paragraphs 6 and 7 of the White Paper a year ago.

6 During the years that all parties in this country have been seeking to carry out the policy outlined above, there has been a steady decline in the effective strength of our armaments by sea and land. In the air we virtually disarmed ourselves in 1919, and, subsequently, from time to time postponed attainment of the minimum air strength regarded as necessary to our security in the face of air developments on the Continent. It is not that British Governments have neglected to keep themselves informed of the position. Every year the state of our armaments has been anxiously considered, and if risks have been run they have been accepted deliberately in pursuit of the aim of permanent peace. Again and again, rather than run any risk of jeopardizing some promising movement in this direction by increasing expenditure on

armaments, Governments have postponed the adoption of measures that were required when considered from the point of view of national defence alone. In this way we have taken risks for peace, but, as intimated by the Secretary of State for Foreign Affairs in the debate on the Address on the 28th November, 1934, 'disarming ourselves in advance, by ourselves, by way of an example, has not increased our negotiating power in the Disarmament discussions at Geneva'

7 Parliament and people, however, have been warned again and again that serious deficiencies were accumulating in all the Defence Services, and that our desire to lead the world towards disarmament by our example of unilateral disarmament has not succeeded. We have not contributed thereby to general disarmament, and are approaching a point when we are not possessed of the necessary means of defending ourselves against an aggressor

4 These considerations have gained in force during the past year. Conditions in the international field have deteriorated. Taking 'risks for peace' has not removed the dangers of war. We have really no alternative in the present state of the world but to review our defences and to provide the necessary means both of safeguarding ourselves against aggression and of playing our part in the enforcement by common action of international obligations. The Government have therefore made a prolonged and exhaustive examination of the present state of the Navy, Army, and Air Force, and the proposals they now make represent nothing more than what is found to be essential in present circumstances

5 It should be emphasized that in questions of defence our situation is different from that of most other great nations. Their forces can without risk be concentrated in limited areas near their own shores. Our world-wide responsibilities render this impossible. The history of the Italo-Abyssinian dispute, and of our own action in regard to it, illustrates how claims upon our defensive strength may arise at short notice in various parts of the world. These claims can only be discharged if we have made adequate provision to meet them, and the scale upon which such provision is to be made must be considered

in relation to the continued increase in the armaments of many foreign countries

6 The development of the dispute between Italy and Abyssinia was regarded from the first with grave anxiety by the League of Nations, which made repeated attempts to avert it. As a Member of the League, no less than as a friend of both parties to the dispute, we were closely concerned. As early as February 1935 we warned the Italian Government of our anxiety at the course that Government appeared to be following, and the warning was repeated at frequent intervals throughout the summer of 1935. In conjunction with the other Members of the League we spared no effort to prevent a final breach.

7 But in the meantime circumstances were developing which compelled this country to take precautionary action in the Mediterranean and Red Sea. The fundamental difference that grew up last summer between the League of Nations and Italy, combined with the possibility of League action, led during July and August last to a campaign of violent and menacing propaganda in Italy largely directed against the United Kingdom as one of the foremost upholders of the Covenant. A point was reached in August last when we could no longer disregard the possibility of an incident occurring which might precipitate an extension of the conflict.

8 His Majesty's Government felt that the best way to secure that no such incident should arise was to guard promptly against it, more particularly in view of the extent to which the Italian garrison in Libya was being reinforced. After considering the recommendations of the Chiefs of Staff Sub-Committee on the military aspects of the situation, the Government decided to strengthen and redispense our naval forces and to increase the defences, garrisons, and air forces at Gibraltar, Malta, and Aden as well as in Egypt. From the 22nd August onwards the situation was watched from day to day by one of the standing Sub-Committees of the Committee of Imperial Defence,<sup>1</sup> under the Chairmanship of the Prime

<sup>1</sup> Entitled the Sub-Committee on Defence Policy and Requirements

Minister, and this Sub-Committee reported direct to the Cabinet.

The most careful review of these dispositions and arrangements shows that they were justified and indeed necessitated by the emergency with which His Majesty's Government had to deal

9 Although in the circumstances created by the Italo-Abyssinian conflict, His Majesty's Government were able to make the dispositions which the situation required, they were embarrassed by the decline in the effective strength of their armaments by sea, land, and air, and the accumulation of deficiencies in all the Defence Services, to which allusion was made in the White Paper of 1935 (Cmd 4827) It was only possible to safeguard the position in the Mediterranean and the Red Sea by denuding other areas to an extent which might have involved grave risks

10 Even more important than the circumstances of any particular dispute is the bearing on our own defensive arrangements of the rising level of national armaments elsewhere It is true that an increase in the armed strength of other nations who will co-operate for collective security may increase the power of the League But an increase of armed strength may also prove an added power in the hands of a possible aggressor In any event, collective security can hardly be maintained unless every member of the League of Nations is prepared to make a contribution, adequate in relation to its resources, to the strength of the whole We cannot excuse our own weakness by pointing to the strength of our neighbours Our weakness would prevent us from playing our due part in enforcing collective security, whereas our ability to make our proper contribution may well be decisive in deterring a potential aggressor from facing the risk of breaking world peace It is essential, therefore, that the relation of our own armed forces to those of other Great Powers should be maintained at a figure which will be high enough to enable us to exercise the influence and authority in international affairs which are alike required for the defence

of vital British interests, and in the application of the policy of collective security

11 The fact that the level of national armaments has been rising all over the world is deplorable, but it cannot be denied. A plain statement as to recent increases of armaments in certain other countries is as follows

12 German rearmament has been proceeding throughout the year at a steady but rapid rate. As to the fact of the rearmament there is no concealment, and it has been referred to with satisfaction in the statements of German public men, but regarding the details there is still a great deal of secrecy. In March last conscription on the basis of one-year service was universally re-established, and the Government announced a peace-time army establishment of 36 Divisions with a strength of 550,000 men. The German Chancellor informed Sir John Simon last March that Germany was aiming at air parity between Great Britain, France, and Germany provided that the development of the Soviet Air Force was not such that revision of these figures would become necessary. What has since occurred indicates a continuous development of the German Air Force. The Naval Agreement reached with the German Government on the 18th June, 1935, is in a different category inasmuch as it limits the expansion of the German Navy to a definite proportion of the strength of British Naval Forces. Nevertheless, the new German Navy, even within this limitation, is an addition to the armaments of the world which cannot be left out of account.

13 In France two-year service was reintroduced in the spring of last year. The French Air Force is in process of an important reorganization and re-equipment. The barrier fortresses on the north-eastern frontier are being extended at great cost to cover also the northern departments. Special borrowing powers have been obtained to meet specific items of defence expenditure.

14 In Belgium the Army expenditure shows a heavy increase and the fortresses on the eastern frontier are being rapidly strengthened and brought up-to-date.

15 The Italian Army has been for the past six months

on a war footing In October last it was stated that 1,200,000 men were under arms, and further recruits have been called up since that date The Italian Air Force is being rapidly and completely re-equipped and is also being enlarged

16 The Soviet forces, according to the latest official figures given by a Soviet Minister on the 15th January last, have now been increased to a total of 1,300,000 men A further increase in the Soviet Air Force is already in progress

17 In Japan the re-equipment of the Army continues to be pressed forward in accordance with a comprehensive programme, and greater sums than ever before are appropriated in the budget for 1936-7 for the naval and military services combined Already in 1935-6 the Army and Navy accounted for 46 per cent of the total budgetary expenditure, while the deficit on the budget was £45 million

18. In the United States the total annual expenditure on defence from revenue and loans combined has risen from £108 million in 1933-4 to £180 million in 1935-6. These figures include no provision for non-effective charges (e.g., pensions), which in the case of British estimates for 1935 represented no less than £18 million out of the total of £124 million.

19 His Majesty's Government will continue to do their utmost to improve international relations and to promote agreement for limitation of armaments The proposals for defence outlined in this Paper do not betoken any abandonment of the international policy hitherto pursued That policy has been steadily directed to discouraging competition in armaments—the recent Naval Agreement with Germany and the present effort to conclude a new Naval Agreement with the Washington Powers are instances—and it is true that a general raising of levels all round is no guarantee of peace But, in determining our own defence programme, it is impossible to disregard the extent of the preparations which have been made by others.



## II

20 As was stated in the White Paper of March 1935, a co-ordinated plan for the reconditioning and modernization of our defence forces and defences had already been drawn up. In the case of the Royal Air Force the new programme with further expansions announced to Parliament on the 22nd May last was being carried out with the utmost energy and vigour, but in the case of the Navy and Army the steps actually taken had been directed only to making good the worst deficiencies. The development of the situation in the Italo-Abyssinian dispute, however, rendered necessary the acceleration of some of the measures contemplated and involved expenditure which has been provided for in the Supplementary Estimates presented on the 17th February. The fresh examination of the position which was made during the summer and autumn led to the conclusion that it was necessary to make further changes in the Royal Air Force, to speed up the measures contemplated for the modernization of the Navy and Army, to provide as rapidly as possible the necessary reserves of stores, ammunition, and equipment and to organize the industrial resources of the country in such a way as to allow of immediate expansion of productive capacity in case of emergency.

21. In the following paragraphs a brief outline is given of the objectives aimed at, it must, however, be emphasized that in many respects the situation is constantly changing and that it may therefore be necessary to modify the particular measures to be taken from time to time in one direction or the other and the scheme has been framed with this possibility in view.

22. The overwhelming importance of the Navy in preserving our sea communications and thus ensuring to this country the supplies of sea-borne food and raw materials on which its existence depends was fully set out in the White Paper of March last. No less important is the responsibility of the Navy, stressed also in the same document, for maintaining free passage between the different

parts of the Empire of troops and supplies of all kinds, thus assuring the very foundation of our system of Imperial Defence

23 To render the Navy capable in all circumstances of fulfilling these requirements it will be necessary not only to proceed with new construction at a more rapid rate than in recent years, but also to make good existing deficiencies in ammunition and stores of all kinds. Until the end of 1936 the strengths of all the principal Naval Powers are regulated by treaty. What will remain of this limitation after the conclusion of the present Naval Conference is not yet certain, but it would seem likely that agreement will not extend beyond advance notification of annual programmes, exchange of information, and certain measures of qualitative limitation on the sizes of ships and their guns.

24 The agreement concluded in June 1935 with Germany is a stabilizing factor which shows clearly the value of quantitative agreements when these can be attained. The failure to arrive at a general agreement, however, does not necessarily imply an intention on the part of other Powers to develop their naval strength in such a way as to upset the balance of security, and the present plans of His Majesty's Government do not take account of any developments of this kind.

25 The London Naval Treaty prohibits the building of new capital ships so long as it remains in force, i.e., till the 31st December, 1936, but the process of replacement cannot be delayed beyond that date, and it is intended to make a beginning early in the calendar year 1937, when two new capital ships will be laid down. The modernization of certain of our existing battleships will be continued.

26 In cruisers the aim is to increase the total number to 70, of which 60 would be under-age and 10 over-age. Five cruisers will be included in the 1936 programme.

27 A steady replacement programme for destroyers and submarines is contemplated, while in the case of sloops and small craft generally, the present rate of construction will be continued.

28 A new aircraft carrier, of a smaller type, will be laid down at an early date. The growing naval importance of the Fleet Air Arm will necessitate a considerable expansion of its present strength. Compared with other Navies, such as those of Japan or the United States of America, the number of first line Fleet Air Arm aircraft is considerably lower than it should be and it is intended to bring it up to substantially higher figures in the course of the next few years. This increase will of course necessitate a corresponding increase in personnel.

29 Finally, it will be necessary also to increase the personnel of the Navy to man the new vessels and to make good existing deficiencies. The increase must be a gradual process in order to ensure efficiency, and by the 31st March, 1937, the number is expected to rise by about 6,000 men.

30 The Army has three main functions to perform, it has to maintain garrisons overseas in various parts of the Empire, to provide the military share in Home Defence, including anti-aircraft defence, coast defence, and internal security, and, lastly, in time of emergency or war to provide a properly equipped force ready to proceed overseas wherever it may be wanted. The present peace-time serving strength of the regular military field units in Great Britain is approximately 115,000 men.

31 It must be remembered that this force constitutes the only source from which immediate reinforcements to any part of the Empire can be drawn. Compared with 1914, our Army has been reduced by no less than twenty-one battalions of infantry, although our peace commitments are greater than ever before. Owing to this reduction of infantry we are unable to maintain the balance of home and foreign service battalions, and the result is hardship to the units which are given additional foreign service and injury both to recruiting and to the efficiency of our Army. His Majesty's Government propose to raise four new battalions of infantry, which will to some extent mitigate the present difficulties of the policing duties which our Imperial responsibilities place upon us.

32 It is not intended, in connexion with the present proposals, to make any further increase in the number of fighting units in the Regular Army beyond these four battalions. But it is urgently necessary that the Army formations already existing should be organized in the most effective form and equipped with the most modern armament and material, together with adequate reserves of ammunition and stores. Plans have been worked out for this purpose and the necessary steps are being taken to put them into operation. Particular attention is being given to our Field Artillery equipments, which will be thoroughly modernized.

33 The Territorial Army, though generally regarded as the second line in our military forces, actually provides the first line in anti-aircraft and coast defence at home. It is recruited on the basis that it will be ready to serve wherever it may be needed, and if the Regular Army should require support abroad, the Territorial Army will be called upon to give that support, serving not as drafts but in its own units and formations. It therefore holds an important place, in our defence organization, and it is the intention of His Majesty's Government to do all that is possible to encourage its recruiting and increase its efficiency. For the present, owing to the demands upon the capacity of industrial output which must necessarily be made in the first instance by the Regular Army, it is not possible simultaneously to recondition the Territorial Army, but a beginning will be made at once in the task of improving its present inadequate equipment and training.

34 The modernization of coast defences at defended ports at home and abroad will be proceeded with at an accelerated rate, and the reorganization of anti-aircraft defences in the South-East of England which has already been authorized will be extended with a view to covering the important industrial districts in the centre and north of the country.

35 The Government also consider it essential to take immediate steps to improve the housing conditions of the

Army, which are at present unsatisfactory, and progress in this matter will be made as rapidly as possible during the next few years

36 The prime function of the Royal Air Force is to provide an effective deterrent to any attack upon the vital interests of this country whether situated at home or overseas. In the present situation this is the most urgent and important of our defence requirements, and it has rightly received the special attention of Parliament.

37 The programme of the Royal Air Force approved by the House of Commons last year was designed to bring up the strength of the Force at home to a total of 123 squadrons with approximately 1,500 first-line aircraft. That programme is proceeding according to plan, but new developments in design will render it possible to make great additions to the striking power of the Force. The latest types of machine which will shortly come into production show such improvements in speed, range, and carrying capacity as greatly to increase the operational effectiveness of the squadrons to be equipped with them. Accordingly, the programme already approved will be varied by effecting certain changes in composition and at the same time some addition will be made to the numbers of aircraft. Including four new auxiliary squadrons to be formed for co-operation with the Territorial Army, the new programme will increase the first-line strength of the Royal Air Force in this country, bringing up the total to approximately 1,750 aircraft, exclusive of the Fleet Air Arm. First-line figures taken by themselves are, however, a misleading criterion of comparative air strengths, as has been explained on many occasions, and in the present case the augmentation of offensive and defensive power which will result from the revised plans is greatly in excess of the numerical increase just mentioned.

38 The problem of co-ordinated air defence is occupying the constant attention of the Committee of Imperial Defence, with the co-operation of all the Departments concerned. Modern methods of defence and the correlation of offensive and defensive weapons are continually

under review, and the scheme has been so drawn up as to ensure the necessary degree of flexibility and the full utilization of the results obtained from continuous scientific research and experiment

39 The Royal Air Force also has responsibilities in the general scheme of Imperial defence. With our wide Imperial responsibilities, the ability to reinforce a threatened area in sufficient time and in sufficient strength demands the location of air units at convenient places on the strategic air routes. The Government propose an increase amounting to approximately twelve squadrons for this purpose.

40 Mention has already been made of the four new auxiliary squadrons which will form a nucleus for co-operation with the Territorial Army. The five regular squadrons at present allotted for co-operation with the Regular Army will be reorganized to provide seven squadrons, each of twelve aircraft.

41 Large numbers of young men will be needed as pilots in the Regular Air Force, the Auxiliary Squadrons, and the Reserve. Many airmen will be required for enlistment to meet the varied requirements of the Service, and many boys will be needed for apprenticeship in the skilled trades. The available sources of supply will all have to be brought into action, and the full co-operation of the public will be needed for success.

42. It is, of course, self-evident that the provision of air forces will not avail in war unless they are given the means not only to fight but to continue fighting. Skilled pilots require time to train, and aircraft production is a lengthy and complicated undertaking. The provision of adequate reserves in both men and material is an essential and urgent need, for without them the war effort of an Air Force could not be sustained.

43 Particular attention has therefore been given to the provision of these reserves in the shortest possible time, and it can now be said that adequate arrangements for this purpose are in train.

44. In the meantime the passive side of air defence

measures has not been neglected. The Air Raid Precautions Department of the Home Office, set up in May of last year, has been actively engaged in the examination of the subject with Local Authorities and satisfactory progress has been made. Plans which have been prepared over a number of years are now approaching the stage when they can be put into operation, and estimates will be submitted in due course for the expenditure which will be required during the current year.

45. Before passing to another subject it must once more be emphasized that the plans for the improvement of our defensive forces in all three Services must be regarded as flexible and subject to variation in details from time to time. The whole field of preparation will have to be kept under constant review, and new conditions, whether arising from changes in the dispositions of other nations or from fresh developments in design and invention, must be met by corresponding variations in our own plans.

## XLVIII

### THE GERMAN MILITARY REOCCUPATION OF THE RHINELAND ZONE AND EUROPEAN SECURITY

#### 1. *German Memorandum, March 7, 1936*

IMMEDIATELY after being informed of the pact between France and the Union of Socialist Soviet Republics, concluded on the 2nd May, 1935, the German Government drew the attention of the other signatory Powers of the Locarno Rhine Pact to the fact that the obligations which France has undertaken in the new pact are not compatible with her obligations arising out of the Rhine Pact. The German Government then explained their point of view in full detail and in both its legal and political aspects—in its legal aspect in the German memorandum of the 25th May, 1935, in its political aspect in the many diplomatic conversations which followed on that memorandum. It is also known to the Governments concerned that neither their written replies to the German memorandum, nor the arguments brought forward by them through the diplomatic channel or in public declarations, were able to invalidate the German Government's point of view.

In fact, all the diplomatic and public discussions which have taken place since May 1935 regarding these questions, have only been able to confirm on all points the view expressed by the German Government at the outset.

1 It is an undisputed fact that the Franco-Soviet Pact is exclusively directed against Germany.

2 It is an undisputed fact that in the pact France undertakes, in the event of a conflict between Germany and the Soviet Union, obligations which go far beyond her duty as laid down in the Covenant of the League of Nations, and which compel her to take military action against Germany, even when she cannot appeal either to



a recommendation or to an actual decision of the Council of the League.

3 It is an undisputed fact that France, in such a case, claims for herself the right to decide on her own judgement who is the aggressor.

4 It is thereby established that France has undertaken towards the Soviet Union obligations which practically amount to undertaking in a given case to act as if neither the Covenant of the League of Nations, nor the Rhine Pact, which refers to the Covenant, were valid.

This result of the Franco-Soviet Pact is not removed by the fact that France, in the pact, makes the reservation that she does not wish to be bound to take military action against Germany if by such action she would expose herself to a sanction on the part of the guarantor Powers, Italy and Great Britain. As regards this reservation, the decisive fact remains that the Rhine Pact is not based only on the obligations of Great Britain and Italy as guarantor Powers, but primarily on the obligations established in the relations between France and Germany. Therefore it matters only whether France, in undertaking these treaty obligations, has kept herself within the limits imposed on her so far as Germany is concerned by the Rhine Pact.

This, however, the German Government must deny.

The Rhine Pact was intended to achieve the object of securing peace in Western Europe by providing that Germany on the one hand and France and Belgium on the other hand, in their relation to one another, should renounce for all future time the use of military force. If at the time of the conclusion of the pact certain exceptions to this renunciation of war going beyond the right of self-defence were admitted, the political reason for this, as is generally known, lay solely in the fact that France had already undertaken certain obligations towards Poland and Czechoslovakia, which she did not wish to sacrifice to the conception of absolute security in the West. Germany, with her own clear conscience in regard to the matter, at the time accepted these limitations on

the renunciation of war. She did not raise objections to the treaties with Poland and Czechoslovakia, laid by France on the table at Locarno, solely on the obvious condition that these treaties were in conformity with the construction of the Rhine Pact, and contained no sort of provisions regarding the application of Article 16 of the Covenant of the League of Nations, such as those contained in the new Franco-Soviet agreements. The contents of these special agreements, as then notified to the German Government, fulfilled this condition. The exceptions admitted in the Rhine Pact were not, it is true, specifically confined to Poland and Czechoslovakia, but were formulated as an abstract principle. Nevertheless, the intention of all the negotiations relating to these questions was merely to find a compromise between the renunciation of war by Germany and France, and the wish of France to maintain the obligations which she had already undertaken towards her allies. If, therefore, France now utilizes the abstract provisions of the Rhine Pact, which permit the possibility of war, in order to conclude a fresh alliance against Germany with a Power highly armed in a military sense, if she thus further, and in so decisive a manner, restricts the scope of the renunciation of war agreed upon with Germany, and if in this connexion, as shown above, she does not even observe the fixed formal limits, she has created an entirely new situation, and has destroyed the political system of the Rhine Pact, not only in theory but also in fact.

The latest debates and decisions of the French Parliament have shown that France, in spite of the German representations, is determined to put the pact with the Soviet Union definitively into force. A diplomatic conversation has even revealed that France already regards herself as bound by her signature of this pact on the 2nd May, 1935. In the face of such a development of European politics, the German Government, if they do not wish to neglect or to abandon the interests of the German people which they have the duty of safeguarding, cannot remain inactive.

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The German Government have continually emphasized during the negotiations of the last years their readiness to observe and fulfil all the obligations arising from the Rhine Pact as long as the other contracting parties were ready on their side to maintain the pact. This obvious and essential condition can no longer be regarded as being fulfilled by France. France has replied to the repeated friendly offers and peaceful assurances made by Germany by infringing the Rhine Pact through a military alliance with the Soviet Union exclusively directed against Germany. In this manner, however, the Locarno Rhine Pact has lost its inner meaning and ceased in practice to exist. Consequently, Germany regards herself for her part as no longer bound by this dissolved treaty. The German Government are now constrained to face the new situation created by this alliance, a situation which is rendered more acute by the fact that the Franco-Soviet Treaty has been supplemented by a Treaty of Alliance between Czechoslovakia and the Soviet Union exactly parallel in form. In accordance with the fundamental right of a nation to secure its frontiers and ensure its possibilities of defence, the German Government have to-day restored the full and unrestricted sovereignty of Germany in the demilitarized zone of the Rhineland.

In order, however, to avoid any misinterpretation of their intentions and to establish beyond doubt the purely defensive character of these measures, as well as to express their unchangeable longing for a real pacification of Europe between States which are equals in rights and equally respected, the German Government declare themselves ready to conclude new agreements for the creation of a system of peaceful security for Europe on the basis of the following proposals:

(1) The German Government declare themselves ready to enter at once into negotiations with France and Belgium with regard to the creation of a zone demilitarized on both sides, and to give their agreement in advance to any suggestion regarding the depth and nature thereof on the basis of full parity.

(2) The German Government propose, for the purpose of ensuring the sanctity and inviolability of the boundaries in the West, the conclusion of a non-aggression pact between Germany, France, and Belgium, the duration of which they are ready to fix at twenty-five years

(3) The German Government desire to invite Great Britain and Italy to sign this Treaty as guarantor Powers

(4) The German Government agree, in case the Netherlands Government should so desire and the other contracting parties consider it appropriate, to bring the Netherlands into this treaty system

(5) The German Government are prepared, in order to strengthen further these security agreements between the Western Powers, to conclude an air pact calculated to prevent in an automatic and effective manner the danger of sudden air attacks

(6) The German Government repeat their offer to conclude with the States bordering Germany in the East non-aggression pacts similar to that with Poland. As the Lithuanian Government have in the last few months corrected their attitude towards the Memel Territory to a certain extent, the German Government withdraw the exception which they once made regarding Lithuania and declare their readiness, on condition that the guaranteed autonomy of the Memel Territory is effectively developed, to sign a non-aggression pact of this nature with Lithuania also

(7) Now that Germany's equality of rights and the restoration of her full sovereignty over the entire territory of the German Reich have finally been attained, the German Government consider the chief reason for their withdrawal from the League of Nations to be removed. They are therefore willing to re-enter the League of Nations. In this connexion they express the expectation that in the course of a reasonable period the question of colonial equality of rights and that of the separation of the League Covenant from its Versailles setting may be clarified through friendly negotiations

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### *2. Proposals drawn up by the Representatives of Belgium, France, the United Kingdom, and Italy, March 19, 1936*

THE representatives of Belgium, France, the United Kingdom of Great Britain and Northern Ireland and of Italy, having met to examine the situation created by the communication addressed to their respective Governments by the German Government on the 7th March, 1936,

#### I

Take note of the draft resolution submitted to the Council of the League of Nations in the name of Belgium and France, by which the fact of the breach by Germany of Article 43 of the Treaty of Versailles has been established with a view to giving notice thereof to the Powers Signatories of the Treaty of Locarno

They further take note of the support given to this draft resolution by the Governments of the United Kingdom and Italy

#### II

Whereas

- (1) Scrupulous respect for all treaty obligations is a fundamental principle of international life and an essential condition of the maintenance of peace,
- (2) It is an essential principle of the law of nations that no Power can liberate itself from the engagements of a Treaty nor modify the stipulations thereof except with the consent of the other Contracting Parties,
- (3) The breach of Article 43 of the Treaty of Versailles and the unilateral action taken by the German Government in violation of the Treaty of Locarno without recourse to the procedure laid down by the Treaty of Locarno for the settlement of disputes conflict with these principles,

Consider that

- (1) By this unilateral action the German Government confers upon itself no legal rights,

- (2) This unilateral action by introducing a new disturbing element into the international situation must necessarily appear to be a threat to European security

## III

Declare that nothing that has happened before or since the said breach of the Treaty of Locarno can be considered as having freed the Signatories of that Treaty from any of their obligations or guarantees and that the latter subsist *in their entirety*

Undertake forthwith to instruct their General Staffs to enter into contact with a view to arranging the technical conditions in which the obligations which are binding upon them should be carried out in case of unprovoked aggression.

## IV

Decide to invite the German Government to lay before the Permanent Court of International Justice at The Hague the argument which it claims to draw from the incompatibility between the Franco-Soviet Pact of Mutual Assistance and the Treaty of Locarno, and to undertake to accept as final the decision of the said Court, without prejudice to the operation of paragraph 7 (2) below

The French Government declares that it has already agreed that the said Court should be seized of the question stated above

## V

Decide in the name of their Governments jointly to invite the German Government to subscribe to the following provisional arrangements, which shall remain valid until the conclusion of the negotiations referred to in paragraph 7 below.

- (1) All dispatch of troops or war material into the zone defined by Article 42 of the Treaty of Versailles will be immediately suspended, in consequence, the forces stationed there will not exceed                      battalions and                      batteries of artillery (insert here the official figures given by the German Government),

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- (2) The paramilitary forces (S A , S S , Labour Corps, and other organizations) stationed in the said zone will be strictly maintained as they were before the 7th March, 1936, in particular they shall in no case be formed into large units or serve directly or indirectly for the reinforcement of troops,**
- (3) No works of fortification or preparation of ground-works shall be proceeded with in the said zone No landing ground will be laid out, equipped, or improved there**

**The Governments of France and of Belgium undertake similarly to suspend during the period any dispatch of troops into the zones adjoining the frontiers between their countries and Germany.**

## **VI**

**Decide to take, for the same period, all the necessary measures with a view to**

- (1) Create an international force, including detachments from the armies of the guarantor Powers, to be stationed, with the agreement of all the Governments concerned, in a zone contained between the Belgian-German and Franco-German frontiers on one side, and on the other a line situated to the East of the said frontiers and following them at a distance of approximately 20 kilom , this zone being entirely reserved for occupation by the said international force,**
- (2) Set up an international commission whose duty it shall be to supervise the carrying out of the obligations undertaken by the Powers which have formed the above-mentioned force, as well as Belgium, France, and Germany for the eventual execution of paragraphs V and VI (1) above**

## **VII**

**Taking note of the proposals made by Germany in the memorandum communicated to them on the 7th March,**

Decide, so far as they are concerned—

To propose to the German Government, if that Government explicitly accepts the invitations addressed to it in pursuance of the preceding paragraphs, that it should take part in negotiations which would be based in particular on the following elements:

- (1) Examination of the proposals Nos 2 to 5 made by Germany in the memorandum of the 7th March,
- (2) Revision of the status of the Rhineland,
- (3) Drawing up of mutual assistance pacts open to all the Signatories of the Treaty of Locarno, and intended to reinforce their security

So far as concerns the Four Powers represented in London, the reinforcement of their security provided for will include in particular obligations of mutual assistance between Belgium, France, the United Kingdom, and Italy, or any of them, with suitable provisions to ensure prompt action by the Signatories in case of need as well as technical arrangements for the preparation of such measures as would ensure the effective execution of the obligations undertaken

Further, the four Powers declare that they have agreed to press in the course of the negotiations for the adoption of provisions intended to prohibit or to limit the subsequent establishment of fortifications in a zone to be determined.

## VIII

Considering that the maintenance of peace and the organization of collective security can only be assured by the respect for treaties and the limitation of armaments, that the re-establishment of economic relations between the nations on a healthy basis is equally necessary to the process of reconstruction,

Declare themselves ready—

To support the introduction at the Council of the League of Nations of resolutions proposing to invite all the nations concerned to an international conference which would in particular examine—



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- (1) Agreements organizing on a precise and effective basis the system of collective security, and paying attention to the definition of the conditions in which Article XVI of the Covenant of the League of Nations should be applied,
- (2) Agreements tending to assure the effective limitation of armaments,
- (3) International arrangements having as their object the extension of economic relations and the organization of commerce between the nations,
- (4) The proposals 6 and 7 made by the German Government in their memorandum of the 7th March, as well as the suggestions made subsequently in regard to Austria and Czechoslovakia

## IX

Recalling that, under Article 7 of the Treaty of Locarno, the obligations devolving upon their respective Governments do not restrict the duty of the League of Nations to take whatever action may be deemed wise and effectual to safeguard the peace of the world,

Referring to the resolution of the Council of the League of Nations of the 17th April, 1935, regarding the course to be adopted by the members of the League of Nations in the event of the unilateral repudiation of undertakings concerning the security of peoples and the maintenance of peace in Europe,

Decide—

- (1) To notify the Council of the League of Nations, under Article 11 of the Covenant, of the unilateral action taken by Germany, action which appears a danger for European security and a threat to peace;
- (2) Consequently to propose the annexed resolutions to the Council of the League of Nations, it being understood that the German Government would be entitled to present its observations on the subject.

*Draft Resolution to be Presented to the Council of the  
League of Nations*

**I The Council**

Recalling that it has itself on several occasions recognized, as has also the Assembly, the importance of the Treaties of Locarno from the point of view of the maintenance of peace and security

Considering that

- (1) Scrupulous respect for all treaty obligations is a fundamental principle of international life and an essential condition of the maintenance of peace;
- (2) It is an essential principle of the law of nations that no Power can liberate itself from the engagements of a Treaty nor modify the stipulations thereof unless with the consent of the other contracting parties,
- (3) The breach of Article 43 of the Treaty of Versailles and the unilateral action taken by the German Government in violation of the Treaty of Locarno without recourse to the procedure laid down by the Treaty of Locarno for the settlement of disputes, conflicts with these principles,

Considers that

- (1) By this unilateral action the German Government confers upon itself no legal rights,
- (2) This unilateral action, by introducing a new disturbing element into the international situation, must necessarily appear to be a threat to European security

Entrusts a committee composed of . . . with the task of making proposals to it with regard to the practical measures to be recommended to the members of the League of Nations.

**II Considering**

That the German Government has claimed that the Franco-Soviet Pact of Mutual Assistance is incompatible with the Treaty of Locarno, and that in consequence of

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this incompatibility that Government was justified, not only in denouncing the said Treaty, but also in introducing its troops into the demilitarized zone

That there thus arises a juridical question which might be usefully taken before the Permanent Court of International Justice if the interested Powers were to declare themselves ready to comply with the decision of the Court, as the French Government for its part has already agreed to do,

### The Council

Invites the German Government to notify the Permanent Court of International Justice of the question thus defined and in the conditions indicated above, and to request it to give its decision as soon as possible, it being understood that the parties will at once comply with the ruling of the Court

### III Considering

That the unilateral action of Germany has necessarily appeared to be a threat to European peace, and that in consequence it ought, without prejudice to the application of Articles I and IV of the Locarno Treaty, to bring about on the part of the members of the League of Nations, by application of, and in accordance with the terms of Article 11 of the Covenant, the adoption of any action that may be deemed wise and effectual to safeguard the peace of nations,

The Council takes note-

- (1) Of the declaration drawn up in the name of Belgium, France, the United Kingdom, and Italy, as regards the maintenance in force for those Powers of the rights and obligations resulting from the Treaty of Locarno,
- (2) Of the communications made to it by the Governments of Belgium, France, the United Kingdom, and Italy on the subject of the measures contemplated in respect of the situation created by the violation of the zone defined in Article 42 of the Treaty of Versailles

*Letters to be addressed by the Representatives of the United Kingdom and Italy to the Representatives of Belgium and France*

At the moment when the representatives of Belgium, France, Great Britain, and Italy have just decided, as provided in to-day's arrangement, the common line of conduct of their respective Governments, I am authorized to give you the official assurance that, if the effort of conciliation attempted in the said arrangement should fail, His Majesty's Government in the United Kingdom/the Italian Government

1 (a) Will at once consider, in consultation with your Government and the French/Belgian Government, the steps to be taken to meet the new situation thus created;

(b) Will immediately come to the assistance of your Government, in accordance with the Treaty of Locarno, in respect of any measures which shall be jointly decided upon,

(c) Will, in return for reciprocal assurances from your Government, take, in consultation with your Government, all practical measures available to His Majesty's Government for the purpose of ensuring the security of your country against unprovoked aggression,

(d) Will, for this purpose, establish or continue the contact between the General Staffs of our two countries contemplated in paragraph III (2) of the said arrangement;

2 And furthermore, will subsequently endeavour at the Council of the League of Nations to secure the formulation by the latter of all useful recommendations for the maintenance of peace and the respect for international law.

*3. Mr Eden to Sir E Phipps, March 26, 1936*

SIR,

It may be of assistance to your Excellency if, in the light of the denunciation by the German Government of the Treaty of Locarno, the reoccupation by Germany of the demilitarized zone in the Rhineland and the proposals made by Herr Hitler on the 7th March for a new

and comprehensive settlement, I review in a single dispatch certain aspects of the diplomatic discussions which have taken place between the summer of 1934 and the 7th March last .

*IV. Negotiations for an Air Pact and Air Limitation,  
February 1935 to March 1936*

12. The first proposal for an Air Pact was made at the Anglo-French meeting in London on the 3rd February, 1935. The declaration agreed at that meeting was communicated to the German Government, and on the 14th February they proposed that British Ministers should visit Berlin to discuss particularly the Air Pact. His Majesty's Government pointed out that any such discussion must review all the matters mentioned in the London Declaration. On this understanding the visit of British Ministers to Berlin took place on the 25th and 26th March, 1935; and Herr Hitler expressed the willingness, and, indeed, eagerness, of Germany to conclude an Air Pact at once without burdening the proposal with difficult and complicated conditions such as limitation of air forces and the other parts of the London Declaration. In the Chancellor's view there ought to be first an Air Pact and the fixation of parity in the air between the signatories to the pact. Sir John Simon reminded him that His Majesty's Government thought of the Air Pact not as being an agreement that could be reached quite apart from other agreements, but as forming a portion of that more general settlement which was the object of the Anglo-French Declaration. In the Berlin conversations Herr Hitler also stated that his object was parity with the French air force in France and North Africa provided that developments in Russia did not necessitate a raising of this figure.

13. At Stresa the British, French, and Italian Governments 'agreed to continue actively the study of the Air Pact . . . and of any bilateral agreements which might accompany it'. The question of the Air Pact was taken up with the German Government once more on the

10th May, when Sir John Simon told the German Ambassador that he would be glad to learn more definitely the views of the German Government. Herr von Hoesch, in reply, communicated to the Foreign Office on the 29th May, 1935, a German draft of the Air Pact. The German Government said that this draft might be communicated to the other Locarno Powers, and subsequently, on the 9th July, Herr von Hoesch suggested that there should be circulated in one document to all five Powers the German and British and French drafts which he understood existed. On the 23rd July the German Embassy was informed orally that it was thought that it would only complicate the situation to circulate drafts at that stage. It would be better to agree first on general principles and then try to secure a common draft. Such preliminary drafts as had been prepared were therefore never circulated or discussed, and it is felt that no useful purpose would be served by making them public now.

14. The months of June and July 1935 were spent in an attempt to secure the consent of the French Government to the opening of diplomatic negotiations between the five Powers, the purpose of which would be to agree upon the general principles on which an Air Pact should be based. Once that agreement had been reached, the jurists could meet and prepare a common draft. On the 29th July, 1935, the French Government agreed to the opening of these discussions, on the understanding that His Majesty's Government would secure the agreement of the German Government to the principle of the accompaniment of the Air Pact by such arrangements between any two parties as those two parties might judge necessary to render it effective, and provided that the question of the final conclusion of the Air Pact and of an air limitation agreement, independently of the other matters mentioned in the London Declaration, would be reserved.

15. Sir S. Hoare saw the German Ambassador on the 1st August and explained to him the French Government's position. He told him that His Majesty's Government would not contemplate bilateral arrangements save

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upon the understanding that they were based upon the spirit and principles of Locarno, and that they would not allow such arrangements to interfere with the Locarno equilibrium or to be used to the disadvantage of the Locarno Powers. Subsequently, on the 13th December, the nature of the arrangements was explained again to the Chancellor himself and Baron von Neurath by your Excellency.

16 On the 23rd August, 1935, the Foreign Office asked the German Embassy when the German Government's reply might be expected to Sir S. Hoare's communication of the 1st August. No reply could ever be obtained to this inquiry. On the 21st November the French Ambassador in Berlin saw Herr Hitler and emphasized the importance which the French Government attached to the continuance of the negotiations for the Air Pact. He was told that progress was impossible during the continuance of the Italo-Abyssinian dispute. On the 13th December your Excellency urged the Chancellor to continue the negotiations for the Air Pact. The Chancellor referred to the difficulties created by the Franco-Russian Treaty, and when in January Baron von Neurath admitted that that treaty did not affect the Air Pact itself, but only air limitation, he informed your Excellency that to the negotiation of the Air Pact the Italo-Abyssinian difficulty was the obstacle. My disappointment at the check to the Air Pact negotiations was expressed to the Chancellor by your Excellency, through Baron von Neurath, on the 14th January, 1936, and in interviews with the German Ambassador on the 27th February, and again on the 6th March, I pressed yet again for the resumption of negotiations.

#### *V. Attempts at Resumption of Negotiations with Germany, November 1935 to March 1936*

17 Herr Hitler's speech of the 21st May, 1935, had contained references to the importance which he attached to good German relations with Great Britain and France. 'The German Government', he said, 'sincerely intend

to do everything to bring about and maintain such relations with the British people and State as will for ever prevent a repetition of the only war which there has as yet been between the two nations' As regards France, he said. 'We are prepared to do everything on our part to arrive at a true peace and a real friendship with the French nation' Herr von Ribbentrop, in the course of the naval negotiations in the summer of 1935, had gone even farther, and stated that the corner-stone of the political conceptions of the German Chancellor was 'that ultimately, only an adjustment of the vital interests of our two countries, and a common realistic attitude towards the great European problems can produce a solution of these problems, and in particular a Franco-German settlement which the German people desires and without which Europe will not come to rest'

18 When the question of the Franco-Soviet Pact was about to come up in the French Chambers, M. Laval informed the German Ambassador in Paris on the 15th November that the French Government would welcome a decision by the German Government to resume conversations for collective security on the basis of the London Declaration of February 1935.

19 Your Excellency had an interview with Herr Hitler on the 13th December After explaining that His Majesty's Government would be glad to learn the Chancellor's views on the possibility of further conversations respecting the London Declaration of the 3rd February, and particularly the question of the Air Pact and air limitation, you pointed out the importance which the French Government attached to the accompaniment of the Air Pact by bilateral arrangements for its execution You added that the arrangements which we contemplated would be based upon the spirit and principles of Locarno and would not interfere with the Locarno equilibrium Herr Hitler expressed strong objection to the bilateral arrangements, though later, on the 17th January, you were informed by Baron von Neurath that bilateral pacts, if discussed at all, must be discussed by all five Powers



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Herr Hitler further stated that no air limitation agreement which did not allow him to take into account Russia's enormous strength in the air was possible. He made objection to the Franco-Soviet Treaty; and though from a subsequent interview on the 14th January, 1936, between your Excellency and Baron von Neurath it was clear that the Chancellor did not object in principle to the conclusion of an Air Pact between the Locarno Powers, it became evident from subsequent interviews between your Excellency and Baron von Neurath that the German Government considered the moment inopportune for the discussion of an Air Pact, owing to the strained relations between Italy and Great Britain.

20 On the 8th January, 1936, a further approach was made to the German Government. I instructed you to let the Chancellor know 'that I share the views which he has so often expressed regarding the importance of a close and confident understanding and collaboration between Great Britain, France, and Germany, and that I hope that our two Governments will keep this objective closely in view notwithstanding the difficulties which Herr Hitler, to my regret, at present sees in the way of any immediate progress along the lines which our two Governments discussed in the early parts of last year'. Your Excellency made this communication through Baron von Neurath on the 14th January.

21. On the 27th January Baron von Neurath saw me in London, where he had come to attend the Royal Funeral. He stated on this occasion that the German Government fully intended to respect the Treaty of Locarno. All that they asked was that others should observe it in the spirit as well as the letter. The opportunity was taken by me to tell Baron von Neurath that I still hoped that an Air Pact and an agreement for air limitation might be negotiated.

22 On the 19th February Lord Cranborne asked the German Chargé d'Affaires to come to the Foreign Office, and emphasized to him my view that close collaboration between the three Western Powers was essential to

European peace So far as His Majesty's Government were concerned, it had been made abundantly clear on many occasions that the Franco-Soviet Pact did not affect Great Britain in any way, and that it did not affect the Treaty of Locarno To this Treaty His Majesty's Government still fully subscribed Lord Cranborne assured the German Charge d'Affaires that I was most anxious in every way to collaborate both with the French and the German Governments for the preservation of general peace He gave to Prince Bismarck in this connexion an extract from the message sent through your Excellency to Herr Hitler on the 8th January, already quoted in paragraph 20 Prince Bismarck said that he thought it would be important that this statement should be reaffirmed and he would communicate it to his Government

23 On the 27th February I saw the German Ambassador, who referred to Prince Bismarck's interview with Lord Cranborne on the 19th February The Ambassador asked me whether I saw any prospect of making any progress in the improvement of relations between the Western European Powers I replied that I was particularly anxious to make progress with an Air Pact and air limitation, and had said so more than once It remained to be considered whether there was any means of doing this in present conditions The Ambassador, in reply, pointed out the complication created by the Italo-Abyssinian war How could Italy enter an air limitation agreement at this moment? I replied that these were just the problems which we had to consider It would not be satisfactory if we merely registered the difficulties and made no attempt to overcome them I should be seeing M. Flandin in Geneva next week, and no doubt the relations of the western European Powers would form one of the subjects of conversation between us I would take an early opportunity of giving the Ambassador an account of what had passed between us when I returned to London

24 On the 28th February the *Paris-Midi* published an interview given to M Bertrand de Jouvenel by the German

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Chancellor In this interview Herr Hitler emphasized the importance which he attached to Franco-German reconciliation, whilst drawing attention to the manner in which the ratification of the Franco-Soviet Treaty was likely to complicate the situation. He stated that the people of France would do well to reflect seriously on his efforts to secure an understanding. No German leader had ever made such overtures

25. On the 2nd March the French Ambassador in Berlin saw Herr Hitler and inquired whether the interview which he had given to the *Paris-Midi* implied that he had definite proposals to make to the French Government. If so, the latter would be very glad to know what they were and would carefully consider them. The Chancellor is understood to have asked for time in which to consider the French Ambassador's observations

26. On the 6th March I myself again sent for the German Ambassador in London, and the important conversation took place which is summarized in my dispatch to your Excellency of the 6th March. As will be seen, I emphasized to the Ambassador the importance which I attached to an improvement in the relations of the three great Western Powers. It was as a concrete means of improving these relations that I proposed to him the immediate opening of serious discussions on the question of the Air Pact

27. On the following day the German Ambassador called at the Foreign Office and informed me of the German Government's decision to denounce the Treaty of Locarno and to reoccupy the demilitarized zone.

I am, &c ,

ANTHONY EDEN.

#### 4. Mr. Eden to M. Corbin, April 1, 1936

Your Excellency,

I have the honour to hand herewith to your Excellency the letter contemplated in the Text of Proposals drawn up on the 19th March by the representatives of Belgium,

France, the United Kingdom of Great Britain and Northern Ireland, and Italy Your Excellency will appreciate that the delivery of this letter in no way implies that in the view of His Majesty's Government in the United Kingdom the effort of conciliation referred to in this letter has failed. As you are aware, we have to-day received from the German Government certain proposals which we have communicated to your Government and to which we are giving our immediate consideration.

Meanwhile, His Majesty's Government are willing, in accordance with paragraph III of the Proposals, to instruct their General Staffs forthwith to enter into contact with the French General Staffs, with a view to arranging the technical conditions in which the obligations referred to in that paragraph should be carried out in case of unprovoked aggression.

On behalf of His Majesty's Government I have the honour to state that it is understood that this contact between the General Staffs cannot give rise in respect of either Government to any political undertaking, nor to any obligation regarding the organization of national defence. I shall be glad to have your Excellency's confirmation that this is likewise the understanding of your Government.

His Majesty's Government propose that the conversations between the General Staffs of the two countries, necessary for establishing the contacts in question, should be begun in London.

I am addressing a similar letter to the Belgian Ambassador.<sup>1</sup>

I have, &c

ANTHONY EDEN.

<sup>1</sup> For the new position of Belgium see no LV, *post*

## XLIX

### THE PEACE PLAN OF THE GERMAN GOVERNMENT, MARCH 31, 1936

#### 1. *Plan communicated by the German Ambassador, April 1, 1936*

It was with hearty approval that the German Government learnt from Ambassador von Ribbentrop that it is the wish of the British Government and the British people to begin as soon as possible the practical work for a real pacification of Europe. This desire is in full accord with the innermost intentions and hopes of the German people and their Government. The German Government therefore regret all the more that they are unable to recognize in the draft submitted to them by the representatives of the Locarno Powers on the 20th March a serviceable and fruitful basis for the initiation and carrying out of such a genuine work of peace. In the eyes of the German people and of their Government, this draft lacks that spirit of understanding of the laws of honour and equality of status which at all times in the life of peoples constitutes the primary condition for the conclusion of free, and thus sacred, treaties.

2. The German Government believe that they owe it to the sacred gravity of the task with which they are faced to limit to the most essential points their statement of the negative aspects of the memorandum presented to them. They will, however, endeavour, by amplifying and clarifying the proposals made by them on the 7th March, to facilitate the beginning of concrete work to secure European peace.

3. In order to explain their rejection of certain discriminatory points and to make clear the basis of their constructive proposals, the German Government feel impelled to make the following statement of principle.

4. The German Government have just received from the German people, among other things, a solemn general

mandate to represent the Reich and the German nation in accordance with the following two lines of policy

- (1) The German people are determined to preserve under all circumstances their freedom, their independence, and at the same time their equality of status. They regard the upholding of these natural principles of international comity as a precept of national honour and a necessary condition for any practical co-operation between nations, from which they will in no circumstances deviate any further.
- (2) The German people most earnestly desire to co-operate with all their might in the great work of general reconciliation and understanding of the nations of Europe, for the purpose of safeguarding peace which is so necessary for the culture and welfare of this continent.

5. These are the wishes of the German people and therefore the duty of the German Government.

6. The German Government further wish to make the following observations in pursuance of the attitude adopted by them in principle, as set forth in their provisional communication of the 24th March, 1936.

- (a) In the year 1918 Germany concluded the armistice on the basis of the Fourteen Points of President Wilson. These did not contemplate any limitation of German sovereignty in the Rhineland. On the contrary, the main idea on which these Points were based was the establishment of a better, and a permanent, peace through the creation of a new international order. That conception was intended to do the fullest justice to the principle of self-determination without regard to victor or vanquished.
- (b) The British Foreign Minister, in his speech of the 26th March regarding the demilitarized zone, stated that in the last analysis this had only been created as a *quid pro quo* for the aim of France in 1918 to separate the Rhineland from Germany. From this statement it is clear that the demilitarized zone only

came into being as the result of a breach already perpetrated of an obligation binding on the Allies also

- (c) The demilitarization provisions of the Treaty of Versailles were accordingly based on the breach of an assurance given to Germany, and the only legal argument behind them was force. These provisions of the Treaty of Versailles were incorporated in the Locarno Pact after a further infringement of right, namely, the occupation of the Ruhr Territory, which was characterized as a breach of law by British Law Officers of the Crown
- (d) These so-called 'voluntary renunciation' of sovereignty by Germany over these western provinces of the Reich is thus a result of the 'dictate' of Versailles, and of a series of the harshest acts of oppression suffered by the German people as a result of that treaty. In this connexion special reference must be made to the terrible distress and helplessness of the Reich in consequence of the occupation of the Rhineland

19 The German Government are further of the opinion that to arrive at an easier solution of the present complex of problems, these should be appropriately divided up according to the aims in view. They must accordingly put the following fundamental questions of principle

To what goal shall European diplomacy direct its efforts?

(a) Is this goal to be the maintenance and continuation, in whatever new forms and with whatever modifications, of that splitting of the nations of Europe into two camps, into those with more, and those with less, rights, into honourable and dishonourable, free and fettered, which has shown itself so unsuitable for ensuring any lasting peace?

Is it, moreover, the endeavour of European diplomacy to adopt this view and reach conclusions regarding past events by means of mere majority decisions, and thus to seek for the continuance of this former state of affairs a legal justification which is apparently still lacking? Or—

(b) Shall the efforts of the Governments of Europe be directed to achieving, come what may, a really constructive reorganization of the relations of the nations of Europe with one another and to attaining a sure and permanent peace?

20 The German Government owe it to their people to declare plainly that they will only take part in the second of these endeavours, which, in their opinion, is the only constructive one. Moreover, they make this declaration with the profoundest possible conviction and with the whole weight of the people's sincere will and longing behind them.

21 The German Government believe, then, that the task confronting the statesmen of Europe should be divided into three parts as follows:

- (a) A period (during which the atmosphere would gradually be calming down) for elucidating the procedure for the negotiations to be initiated.
- (b) A period of actual negotiations for securing the peace of Europe.
- (c) A later period for dealing with such supplementary aspects of the European peace settlement as are desirable, and the content and scope of which cannot or should not be precisely laid down or defined in advance (disarmament, economic questions, &c.)

22 To this end the German Government propose the following peace plan:

(1) In order to give to the future agreements to ensure the peace of Europe the character of inviolable treaties, the nations participating in them shall do so only on a footing of absolute equality and equal respect. The only compelling reason for signing these treaties must lie in their generally recognized and obvious suitability for ensuring the peace of Europe, and thus the social happiness and economic prosperity of the nations.

(2) In order to shorten, as far as possible, the period of uncertainty (in the economic interests of the European nations) the German Government propose a limit of four months for the first period until the signature of the pro-



posed non-aggression pacts, and the consequent guaranteeing of European peace.

(3) The German Government give the assurance that they will not proceed to any reinforcement whatsoever of the troops in the Rhineland during this period, always provided that the Belgian and French Governments act similarly

(4) The German Government give the assurance that they will not, during this period, move the troops in the Rhineland closer to the Belgian and French frontiers

(5) The German Government propose to set up a commission composed of representatives of the two guarantor Powers, England and Italy, and of a disinterested third neutral Power, to guarantee the execution of these reciprocal assurances

(6) Germany, Belgium, and France shall each be entitled to send a representative to this commission. If Germany, Belgium, and France think, for any particular reason, that they can point to a change in the military situation within this period of four months, they have the right to communicate what they have observed to the Guarantee Commission

(7) Germany, Belgium, and France declare their willingness, in such a case, to permit the Commission to make the necessary investigations, through the British and Italian Military Attachés, and to report thereon to the participating Powers

(8) Germany, Belgium, and France give the assurance that they will take fully into consideration the objections arising therefrom

(9) Moreover, the German Government are willing, on the basis of complete reciprocity, to agree with their two Western neighbours to any military limitations on the German Western frontier.

(10) Germany, Belgium, and France and the two guarantor Powers shall agree, at once or at the latest after the French elections, to enter into discussions, under the leadership of the British Government, for the conclusion of a twenty-five years' non-aggression pact or security

pact between France and Belgium, on the one hand, and Germany, on the other

(11) Germany agrees that England and Italy shall once again sign this security pact as guarantor Powers.

(12) Should special obligations to render military assistance arise out of these security agreements, Germany for her part declares her willingness to assume such obligations also.

(13) The German Government hereby repeat their proposal for the conclusion of an air pact to supplement and reinforce these security agreements.

(14) The German Government repeat that, should the Netherlands so desire, they are willing to include this country also in the proposed Western European security agreement

(15) In order to give to this covenant of peace, voluntarily entered into between Germany, on the one hand, and France, on the other, the character of a reconciliation and of a settlement of their centuries-old feud, Germany and France shall pledge themselves to take steps, in connexion with the education of the young in both countries, and in publications, to avoid everything which might be calculated to poison the relationship between the two peoples, whether it be the adoption of a derogatory or contemptuous attitude, or improper interference in the internal affairs of the other country. They shall agree to set up, at the head-quarters of the League of Nations in Geneva, a joint commission whose function it shall be to submit to the two Governments, for their information and investigation, all complaints received

(16) In pursuance of their intention to give this agreement the character of a sacred covenant, Germany and France shall undertake to ratify it by means of a plebiscite of the two peoples

(17) Germany declares her willingness, for her part, to enter into communication with the States on her south-eastern and north-eastern frontiers, with a view to extending to them a direct invitation to conclude the non-aggression pacts proposed

(18) Germany expresses her willingness to re-enter the League of Nations either at once or after the conclusion of these agreements. At the same time, the German Government again express their expectation that, within a reasonable time and by means of friendly negotiations, the question of colonial equality of rights as well as that of the separation of the Covenant of the League of Nations from its basis in the Treaty of Versailles setting will be cleared up.

(19) Germany proposes the constitution of an international court of arbitration, which shall have competence in respect of the observance of the various agreements concluded, and whose decisions shall be binding on all parties.

23. After the conclusion of this great work of securing European peace, the German Government consider it urgently necessary to endeavour by practical measures to attempt to check unlimited competition in armaments. This they would regard not merely as an alleviation of the financial and economic position of the nations, but above all as leading to a psychological *détente*.

24. The German Government have, however, no faith in an attempt to bring about settlements of a universal kind, which would be doomed to failure from the outset, and can therefore be proposed only by those who have no interest in achieving practical results. They believe, on the contrary, that the negotiations conducted and the results achieved in the sphere of the limitation of naval armaments can have an instructive and stimulating effect.

25. The German Government therefore propose that conferences be convened in the future having each time only one clearly defined objective.

26. They consider that the task of most immediate importance is to impart to aerial warfare the moral and humane atmosphere of, and the protection afforded by, the Geneva Convention, as far as non-combatants or wounded are concerned. Just as the killing of defenceless wounded, or prisoners, or the use of dum-dum bullets, or the waging of submarine warfare without warning have

been regulated or forbidden by international conventions, so it must be possible for civilized humanity to prevent the senseless abuse of new types of weapons without running counter to the object for which war is waged

27 The German Government therefore propose as the immediate practical objectives of these conferences—

- (1) The prohibition of the dropping of gas, poisonous, or incendiary bombs
- (2) The prohibition of dropping bombs of any kind whatsoever on open localities outside the range of the medium artillery of the fighting fronts
- (3) The prohibition of the bombardment with long-range guns of places more than 20 km distant from the battle zone
- (4) The abolition and prohibition of the construction of tanks of the heaviest type.
- (5) The abolition and prohibition of artillery of the heaviest calibre.

28 As and when possibilities of further limitation of armaments emerge from such discussions and agreements, attention shall be given to them

29 The German Government hereby declare themselves prepared now to accede to every such arrangement, in so far as it is internationally valid

30 The German Government believe that if only a first step is taken on the road to disarmament, this will have an enormous effect on the relations between nations, and consequently on the return of that atmosphere of confidence which is the prior condition for the development of trade and prosperity

31 In order to meet the general desire for the restoration of favourable economic conditions, the German Government are therefore prepared, immediately after the conclusion of the political treaties, to enter into an exchange of views on economic problems with the other countries concerned, in the spirit of the proposals made, and to contribute as far as lies in their power to the improvement of the economic situation in Europe and

of the world economic situation, which is inseparable from it

32 The German Government believe that in the peace plan set forth above they have made their contribution to the creation of a new Europe on a basis of mutual respect and confidence between sovereign States. Many opportunities for such a pacification of Europe, to which Germany has so often, in the last few years, offered to contribute, have been neglected. May this effort to achieve a European understanding at last succeed.

33 The German Government confidently believe that by submitting the peace plan outlined above they have paved the way to this goal.

2. *Mr. Eden to Sir E. Phipps, May 6, 1936*<sup>1</sup>

SIR,

Your Excellency will be aware that His Majesty's Government in the United Kingdom have for some time past had under the most careful consideration the memoranda communicated to me by the late Herr von Hoesch on the 7th March, 1936, and by Herr von Ribbentrop on the 24th March and the 1st April, 1936, respecting the reoccupation of the demilitarized zone and the peace proposals of the German Government.

2 Such consideration was naturally indispensable in view of the importance which, as your Excellency is aware, His Majesty's Government attach to the establishment in Europe of a real and lasting peace based on the recognition of the equality of rights and independence of every State, together with respect by every State for the engagements entered into by it. It is the desire of His Majesty's Government to make every effort within their power to co-operate in the promotion of the objective described by the German Government in the memorandum of the 31st March as 'the great work of securing European peace', and it is accordingly with this aim in view and in

<sup>1</sup> In the absence of the German Chancellor from Berlin a copy of this dispatch was handed on the 7th May to the German Minister for Foreign Affairs by His Majesty's Ambassador.

order to open the way to fruitful negotiation that I address to you this dispatch and request your Excellency to seek an interview with the German Chancellor. You should preface your remarks by a statement to this effect.

3 Certain of the German Government's proposals deal, as your Excellency is aware, with temporary arrangements in the demilitarized zone pending the completion of the first stage of the general negotiations for the peace of Europe which were proposed by the German Government. On these temporary arrangements it is not my purpose to comment in the present dispatch, though your Excellency knows that His Majesty's Government regret that the German Government have not been able to make a more substantial contribution towards the re-establishment of the confidence which is such an essential preliminary to the wide negotiations which they both have in view.

4 In the course of my interview with Herr von Ribbentrop on the 2nd April, I informed his Excellency that His Majesty's Government regards the proposals for the future in the German memorandum of the 31st March (that communicated to me on the 1st April) as most important and as deserving of careful study. This study is now at an advanced stage, but His Majesty's Government find difficulty in carrying it further without discussing more closely with the German Government (as foreshadowed in the Geneva communiqué of the 10th April) a certain number of points in the three memoranda, particularly in those of the 24th and 31st March. His Majesty's Government feel sure that the German Government will share their view that the greatest possible precision is desirable before general negotiations can open, in order that in the future no misunderstandings may cloud the confident co-operation of the Powers of Europe, which it is the most earnest hope of His Majesty's Government, as they are sure also of the German Government, that the proposed negotiations may advance.

5 There are a number of passages in the German memorandum of the 24th and 31st March which leave His

Majesty's Government in some doubt as to the conception held by the German Government of the basis upon which the future settlement should be founded

6 The first point on which it is desirable to be clear is whether Germany regards herself as now in a position to conclude 'genuine treaties' There are passages in the second sub-paragraph of paragraph 1 of the German Government's memorandum of the 24th March, 1936, which seem to suggest that it is the view of the German Government that by their action in the Rhineland they have established this position On the other hand, there are passages in paragraph 2 of the memorandum of the 24th March which might be capable of a different interpretation, which, however, His Majesty's Government would not themselves wish to draw It is, of course, clear that negotiations for a treaty would be useless if one of the parties hereafter felt free to deny its obligation on the ground that that party was not at the time in a condition to conclude a binding treaty, and His Majesty's Government will welcome a clear declaration from the German Government to remove any uncertainty on this point.

7 If the argument set out in paragraph 6 of the German Government's memorandum of the 31st March is intended to be of general application, it might give rise to doubt as to the view which the German Government take of the continued maintenance in force of the remaining operative clauses of the Treaty of Versailles, and, indeed, of any agreement which might be said to have had its origin in the provisions of the Treaty of Versailles His Majesty's Government do not wish to enter into controversy as to the historical interpretation of events set forth in that paragraph, and consequently they do not propose to state their views here But they must, of course, make it clear that they are unable to accept the views put forward by the German Government in the paragraph in question

8 There is in paragraph 4 of the memorandum of the 31st March a further cause for uncertainty. It is stated in that paragraph that 'the German Government have

received from the German People ("Volk") a solemn general mandate to represent the Reich and the German Nation ("Nation") to carry out a policy which implies the preservation under all circumstances of their freedom, their independence and at the same time their equality of status'. A distinction is apparently drawn between the Reich and the German Nation. The question is really whether Germany now considers that a point has been reached at which she can signify that she recognizes and intends to respect the existing territorial and political status of Europe, except in so far as this might be subsequently modified by free negotiation and agreement.

9. I turn now to other matters. Sub-paragraph 13 of paragraph 22 of the memorandum of the 31st March refers to 'the conclusion of an Air Pact to supplement and reinforce these (Western European) security agreements'. In the spring of 1935 the German Government were understood to hold that the negotiation of an Air Pact should not be complicated by an attempt to accompany it by an agreement for the limitation of air forces. Since then a somewhat contradictory position seems to have arisen. In the Reichstag on the 21st May, 1935, Herr Hitler mentioned the possibility of an agreement for air limitation on the basis of parity between the great Western Powers, provided, so we understood, that the development of the Soviet air force was not such that revision would be necessary. The Chancellor's speech of the 21st May, 1935, was made after the signature of the Franco-Soviet Treaty, yet in December 1935 he informed your Excellency that that Treaty had made air limitation impossible. A decision not to attempt to accompany a Western Air Pact by a regional agreement for limitation of air strengths would be very much regretted by His Majesty's Government, and the statement in paragraph 2 of the German memorandum that the German Government are impressed by the results achieved in the limited sphere of the recent agreement respecting naval armaments encourages them to hope that the German Government will be able to fall in with their views on this point.



10 His Majesty's Government are gratified to see that, in sub-paragraphs 10 and 14 of paragraph 22 of the memorandum of the 31st March, the German Government propose the conclusion of non-aggression pacts between Germany, on the one hand, and France, Belgium, and possibly Holland on the other. They note that the German Government are willing that these pacts should be accompanied by treaties of guarantee. The exact form which these instruments will assume must be a matter for detailed negotiation.

His Majesty's Government also note the proposal in sub-paragraph 17 of paragraph 22 for non-aggression pacts between Germany and the States on Germany's south-eastern and north-eastern frontiers. His Majesty's Government would venture to recall the general outline of such pacts given to Sir John Simon by Baron von Neurath in Berlin on the 26th March, 1935. They would be glad to know whether the German Government suggest that these pacts should follow generally that outline, and whether they agree that these pacts also may be guaranteed by mutual assistance arrangements.

The announcement which the German Government have been able to make of Germany's readiness to re-enter the League of Nations permits His Majesty's Government to assume that no difficulty will arise as regards the conformity of the proposed non-aggression pacts with the obligations of members of the League of Nations, and that the operation of these pacts will take place within the framework of the Covenant.

There are two further points to which attention should be drawn. The first concerns the meaning of the words 'the States on Germany's south-eastern and north-eastern frontiers'. His Majesty's Government cannot but feel that the general settlement would be very greatly facilitated if the German Government could see their way to interpret these words so as to cover at least also the Soviet Union, Latvia, and Estonia, as well as the States actually contiguous to Germany. In this connexion His Majesty's Government would venture to recall that in their memo-

random of the 26th March, 1935, the German Government stated their readiness to conclude pacts of non-aggression with 'the Powers interested in East European questions'

The second is that of non-interference in the affairs of other States, as distinct from non-aggression against them. His Majesty's Government recall with satisfaction the Chancellor's statement in the Reichstag on the 21st May, 1935, that the German Government were 'ready at any time to agree to an international arrangement which will effectively prevent and render impossible all attempts to interfere from outside in the affairs of other States'.

11 In sub-paragraph 19 of paragraph 22 'Germany proposes the constitution of an international court of arbitration which shall have competence in respect of the observance of the various agreements concluded'. Presumably, these agreements are those mentioned in sub-paragraphs 9, 10, 11, 12, 13, 14, and 17 of paragraph 22. It would be desirable to know generally the functions and constitution of the proposed court and the relation which the former would bear to the functions of the Council of the League of Nations and of the Permanent Court of International Justice

In view of the announcement of Germany's willingness to return to the League of Nations, the German Government will, no doubt, be willing to indicate their future attitude towards the Permanent Court of International Justice (particularly in relation to the Optional Clause) and towards the various provisions for arbitration, conciliation, or judicial settlement contained in treaties in which Germany is a party

12 When your Excellency sees the Chancellor, I request that you will discuss with him the points raised in this dispatch and leave with him a copy. Your Excellency should explain that these are not exhaustive. There are other matters which will have to be raised at a later date; and before the return of Germany to the League of Nations comes under discussion, the German Government will no doubt think it desirable to give some defini-

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tion of the phrase 'the separation of the Covenant of the League of Nations from its basis in the Treaty of Versailles setting', which occurs in sub-paragraph 18 of paragraph 22. At the moment His Majesty's Government prefer only to deal with points the elucidation of which is essential prior to the opening of the general negotiations which, as stated above, they are sincerely desirous of promoting.

I am, &c.

ANTHONY EDEN.

## L

### CONVENTION REGARDING THE RÉGIME OF THE STRAITS, MONTREUX, JULY 20, 1936

His Majesty the King of the Bulgarians, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of the Hellenes, His Majesty the Emperor of Japan, His Majesty the King of Roumania, the President of the Turkish Republic, the Central Executive Committee of the Union of Soviet Socialist Republics, and His Majesty the King of Yugoslavia,

Desiring to regulate transit and navigation in the Straits of the Dardanelles, the Sea of Marmora, and the Bosphorus comprised under the general term 'Straits' in such manner as to safeguard, within the framework of Turkish security and of the security, in the Black Sea, of the riparian States, the principle enshrined in Article 23 of the Treaty of Peace signed at Lausanne on the 24th July, 1923;

Have resolved to replace by the present Convention the Convention signed at Lausanne on the 24th July, 1923, and have appointed as their plenipotentiaries.

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India:  
For Great Britain and Northern Ireland and all parts of the British Empire which are not Separate Members of the League of Nations

The Right Honourable Lord Stanley, P.C., M.C.,  
M.P., Parliamentary Secretary to the Admiralty,

For the Commonwealth of Australia

The Right Honourable Stanley Melbourne Bruce,  
C.H., M.C., High Commissioner for the Commonwealth of Australia in London,

Who, after having exhibited their full powers, found in good and due form, have agreed on the following provisions

#### Article 1

The High Contracting Parties recognize and affirm the principle of freedom of transit and navigation by sea in the Straits

The exercise of this freedom shall henceforth be regulated by the provisions of the present Convention

#### SECTION I

##### *Merchant Vessels*

#### Article 2

In time of peace, merchant vessels shall enjoy complete freedom of transit and navigation in the Straits, by day and by night, under any flag and with any kind of cargo, without any formalities, except as provided in Article 3 below. No taxes or charges other than those authorized by Annex I to the present Convention shall be levied by the Turkish authorities on these vessels when passing in transit without calling at a port in the Straits

In order to facilitate the collection of these taxes or charges merchant vessels passing through the Straits shall communicate to the officials at the stations referred to in Article 3 their name, nationality, tonnage, destination, and last port of call (provenance)

Pilotage and towage remain optional.

#### Article 4

In time of war, Turkey not being belligerent, merchant vessels, under any flag or with any kind of cargo, shall enjoy freedom of transit and navigation in the Straits subject to the provisions of Articles 2 and 3.

Pilotage and towage remain optional

#### Article 5

In time of war, Turkey being belligerent, merchant vessels not belonging to a country at war with Turkey

shall enjoy freedom of transit and navigation in the Straits on condition that they do not in any way assist the enemy

Such vessels shall enter the Straits by day and their transit shall be effected by the route which shall in each case be indicated by the Turkish authorities

#### Article 6

Should Turkey consider herself to be threatened with imminent danger of war, the provisions of Article 2 shall nevertheless continue to be applied except that vessels must enter the Straits by day and that their transit must be effected by the route which shall, in each case, be indicated by the Turkish authorities

Pilotage may, in this case, be made obligatory, but no charge shall be levied

### SECTION II

#### *Vessels of War*

#### Article 10

In time of peace, light surface vessels, minor war vessels and auxiliary vessels, whether belonging to Black Sea or non-Black Sea Powers, and whatever their flag, shall enjoy freedom of transit through the Straits without any taxes or charges whatever, provided that such transit is begun during daylight and subject to the conditions laid down in Article 13 and the articles following thereafter

Vessels of war other than those which fall within the categories specified in the preceding paragraph shall only enjoy a right of transit under the special conditions provided by Articles 11 and 12.

#### Article 11

Black Sea Powers may send through the Straits capital ships of a tonnage greater than that laid down in the first paragraph of Article 14, on condition that these vessels pass through the Straits singly, escorted by not more than two destroyers

## Article 12

Black Sea Powers shall have the right to send through the Straits for the purpose of rejoining their base, submarines constructed or purchased outside the Black Sea, provided that adequate notice of the laying down or purchase of such submarines shall have been given to Turkey

Submarines belonging to the said Powers shall also be entitled to pass through the Straits to be repaired in dock-yards outside the Black Sea on condition that detailed information on the matter is given to Turkey

In either case, the said submarines must travel by day and on the surface, and must pass through the Straits singly.

## Article 13

The transit of vessels of war through the Straits shall be preceded by a notification given to the Turkish Government through the diplomatic channel. The normal period of notice shall be eight days, but it is desirable that in the case of non-Black Sea Powers this period should be increased to fifteen days. The notification shall specify the destination, name, type, and number of the vessels, as also the date of entry for the outward passage and, if necessary, for the return journey. Any change of date shall be subject to three days' notice.

Entry into the Straits for the outward passage shall take place within a period of five days from the date given in the original notification. After the expiry of this period, a new notification shall be given under the same conditions as for the original notification.

When effecting transit, the commander of the naval force shall, without being under an obligation to stop, communicate to a signal station at the entrance to the Dardanelles or the Bosphorus the exact composition of the force under his orders.

## Article 14

The maximum aggregate tonnage of all foreign naval forces which may be in course of transit through the

Straits shall not exceed 15,000 tons, except in the cases provided for in Article 11 and in Annex III to the present Convention

The forces specified in the preceding paragraph shall not, however, comprise more than nine vessels

Vessels, whether belonging to Black Sea or non-Black Sea Powers, paying visits to a port in the Straits, in accordance with the provisions of Article 17, shall not be included in this tonnage

Neither shall vessels of war which have suffered damage during their passage through the Straits be included in this tonnage, such vessels, while undergoing repair, shall be subject to any special provisions relating to security laid down by Turkey

#### Article 15

Vessels of war in transit through the Straits shall in no circumstances make use of any aircraft which they may be carrying

#### Article 16

Vessels of war in transit through the Straits shall not, except in the event of damage or peril of the sea, remain therein longer than is necessary for them to effect the passage

#### Article 17

Nothing in the provisions of the preceding articles shall prevent a naval force of any tonnage or composition from paying a courtesy visit of limited duration to a port in the Straits, at the invitation of the Turkish Government. Any such force must leave the Straits by the same route as that by which it entered, unless it fulfils the conditions required for passage in transit through the Straits as laid down by Articles 10, 14, and 18

#### Article 18

(1) The aggregate tonnage which non-Black Sea Powers may have in that sea in time of peace shall be limited as follows

(a) Except as provided in paragraph (b) below, the



aggregate tonnage of the said Powers shall not exceed 30,000 tons,

(b) If at any time the tonnage of the strongest fleet in the Black Sea shall exceed by at least 10,000 tons the tonnage of the strongest fleet in the sea at the date of the signature of the present Convention, the aggregate tonnage of 30,000 tons mentioned in paragraph (a) shall be increased the same amount, up to a maximum of 45,000 tons. For this purpose, each Black Sea Power shall, in conformity with Annex IV to the present Convention, inform the Turkish Government, on the 1st January and the 1st July of each year, of the total tonnage of its fleet in the Black Sea, and the Turkish Government shall transmit this information to the other High Contracting Parties and to the Secretary-General of the League of Nations.

(c) The tonnage which any one non-Black Sea Power may have in the Black Sea shall be limited to two-thirds of the aggregate tonnage provided for in paragraphs (a) and (b) above.

(d) In the event, however, of one or more non-Black Sea Powers desiring to send naval forces into the Black Sea, for a humanitarian purpose, the said forces, which shall in no case exceed 8,000 tons altogether, shall be allowed to enter the Black Sea without having to give the notification provided for in Article 13 of the present Convention, provided an authorization is obtained from the Turkish Government in the following circumstances: if the figure of the aggregate tonnage specified in paragraphs (a) and (b) above has not been reached and will not be exceeded by the dispatch of the forces which it is desired to send, the Turkish Government shall grant the said authorization within the shortest possible time after receiving the request which has been addressed to it, if the said figure has already been reached or if the dispatch of the forces which it is desired to send will cause it to be exceeded, the Turkish Government will immediately inform the other Black Sea Powers of the request for authorization, and if the said Powers make no objection within twenty-four hours of having received this informa-

tion, the Turkish Government shall, within forty-eight hours at the latest, inform the interested Powers of the reply which it has decided to make to their request

Any further entry into the Black Sea of naval forces of non-Black Sea Powers shall only be effected within the available limits of the aggregate tonnage provided for in paragraphs (a) and (b) above.

(2) Vessels of war belonging to non-Black Sea Powers shall not remain in the Black Sea more than twenty-one days, whatever be the object of their presence there.

#### Article 19

In time of war, Turkey not being belligerent, warships shall enjoy complete freedom of transit and navigation through the Straits under the same conditions as those laid down in Articles 10 to 18

Vessels of war belonging to belligerent Powers shall not, however, pass through the Straits except in cases arising out of the application of Article 25 of the present Convention, and in cases of assistance rendered to a State victim of aggression in virtue of a treaty of mutual assistance binding Turkey, concluded within the framework of the Covenant of the League of Nations, and registered and published in accordance with the provisions of Article 18 of the Covenant

In the exceptional cases provided for in the preceding paragraph, the limitations laid down in Articles 10 to 18 of the present Convention shall not be applicable

Notwithstanding the prohibition of passage laid down in paragraph 2 above, vessels of war belonging to belligerent Powers, whether they are Black Sea Powers or not, which have become separated from their bases, may return thereto.

Vessels of war belonging to belligerent Powers shall not make any capture, exercise the right of visit and search, or carry out any hostile act in the Straits

#### Article 20

In time of war, Turkey being belligerent, the provisions of Articles 10 to 18 shall not be applicable, the passage

of warships shall be left entirely to the discretion of the Turkish Government

#### Article 21

Should Turkey consider herself to be threatened with imminent danger of war she shall have the right to apply the provisions of Article 20 of the present Convention

Vessels which have passed through the Straits before Turkey has made use of the powers conferred upon her by the preceding paragraph, and which thus find themselves separated from their bases, may return thereto. It is, however, understood that Turkey may deny this right to vessels of war belonging to the State whose attitude has given rise to the application of the present article

Should the Turkish Government make use of the powers conferred by the first paragraph of the present article, a notification to that effect shall be addressed to the High Contracting Parties and to the Secretary-General of the League of Nations

If the Council of the League of Nations decide by a majority of two-thirds that the measures thus taken by Turkey are not justified, and if such should also be the opinion of the majority of the High Contracting Parties signatories to the present Convention, the Turkish Government undertakes to discontinue the measures in question as also any measures which may have been taken under Article 6 of the present Convention.

#### SECTION III

##### *Aircraft.*

#### Article 23

In order to assure the passage of civil aircraft between the Mediterranean and the Black Sea, the Turkish Government will indicate the air routes available for this purpose, outside the forbidden zones which may be established in the Straits. Civil aircraft may use these routes provided that they give the Turkish Government, as

regards occasional flights, a notification of three days, and as regards flights on regular services, a general notification of the dates of passage

The Turkish Government moreover undertake, notwithstanding any remilitarization of the Straits, to furnish the necessary facilities for the safe passage of civil aircraft authorized under the air regulations in force in Turkey to fly across Turkish territory between Europe and Asia. The route which is to be followed in the Straits zone by aircraft which have obtained an authorization shall be indicated from time to time

#### SECTION IV

#### *General Provisions*

##### Article 24

The functions of the International Commission set up under the Convention relating to the régime of the Straits of the 24th July, 1923, are hereby transferred to the Turkish Government

The Turkish Government undertake to collect statistics and to furnish information concerning the application of Articles 11, 12, 14, and 18 of the present Convention.

They will supervise the execution of all the provisions of the present Convention relating to the passage of vessels of war through the Straits

As soon as they have been notified of the intended passage through the Straits of a foreign naval force the Turkish Government shall inform the representatives at Angora of the High Contracting Parties of the composition of that force, its tonnage, the date fixed for its entry into the Straits, and, if necessary, the probable date of its return

The Turkish Government shall address to the Secretary-General of the League of Nations and to the High Contracting Parties an annual report giving details regarding the movements of foreign vessels of war through the Straits and furnishing all information which may be of service to commerce and navigation, both by sea and by

air, for which provision is made in the present Convention.

#### Article 25

Nothing in the present Convention shall prejudice the rights and obligations of Turkey, or of any of the other High Contracting Parties members of the League of Nations, arising out of the Covenant of the League of Nations

### SECTION V

#### *Final Provisions*

#### Article 26

The present Convention shall be ratified as soon as possible

The ratifications shall be deposited in the archives of the Government of the French Republic in Paris

The Japanese Government shall be entitled to inform the Government of the French Republic through their diplomatic representative in Paris that the ratification has been given, and in that case they shall transmit the instrument of ratification as soon as possible.

A *procès-verbal* of the deposit of ratifications shall be drawn up as soon as six instruments of ratification, including that of Turkey, shall have been deposited. For this purpose the notification provided for in the preceding paragraph shall be taken as the equivalent of the deposit of an instrument of ratification

The present Convention shall come into force on the date of the said *procès-verbal*

The French Government will transmit to all the High Contracting Parties an authentic copy of the *procès-verbal* provided for in the preceding paragraph and of the *procès-verbaux* of the deposit of any subsequent ratifications

#### Article 27

The present Convention shall, as from the date of its entry into force, be open to accession by any Power

signatory to the Treaty of Peace at Lausanne signed on the 24th July, 1923

Each accession shall be notified, through the diplomatic channel, to the Government of the French Republic, and by the latter to all the High Contracting Parties.

Accessions shall come into force as from the date of notification to the French Government.

#### Article 28

The present Convention shall remain in force for twenty years from the date of its entry into force

The principle of freedom of transit and navigation affirmed in Article 1 of the present Convention shall, however, continue without limit of time

If, two years prior to the expiry of the said period of twenty years, no High Contracting Party shall have given notice of denunciation to the French Government the present Convention shall continue in force until two years after such notice shall have been given Any such notice shall be communicated by the French Government to the High Contracting Parties

In the event of the present Convention being denounced in accordance with the provisions of the present article, the High Contracting Parties agree to be represented at a conference for the purpose of concluding a new Convention

#### Article 29

At the expiry of each period of five years from the date of the entry into force of the present Convention each of the High Contracting Parties shall be entitled to initiate a proposal for amending one or more of the provisions of the present Convention

To be valid, any request for revision formulated by one of the High Contracting Parties must be supported, in the case of modifications to Articles 14 or 18, by one other High Contracting Party, and, in the case of modifications to any other article, by two other High Contracting Parties

Any request for revision thus supported must be notified to all the High Contracting Parties three months prior to the expiry of the current period of five years. This notification shall contain details of the proposed amendments and the reasons which have given rise to them.

Should it found impossible to reach an agreement on these proposals through the diplomatic channel, the High Contracting Parties agree to be represented at a conference to be summoned for this purpose.

Such a conference may only take decisions by a unanimous vote, except as regards cases of revision involving Articles 14 and 18, for which a majority of three-quarters of the High Contracting Parties shall be sufficient.

The said majority shall include three-quarters of the High Contracting Parties which are Black Sea Powers, including Turkey.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Convention.

## LI

# TREATY OF ALLIANCE BETWEEN THE UNITED KINGDOM AND EGYPT, LONDON, AUGUST 26, 1936

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Egypt,

Being anxious to consolidate the friendship and the relations of good understanding between them and to co-operate in the execution of their international obligations in preserving the peace of the world,

And considering that these objects will best be achieved by the conclusion of a treaty of friendship and alliance, which in their common interest will provide for effective co-operation in preserving peace and ensuring the defence of their respective territories, and shall govern their mutual relations in the future,

Have agreed to conclude a treaty for this purpose, and have appointed as their plenipotentiaries. [names omitted]

### Article 1

The military occupation of Egypt by the forces of His Majesty The King and Emperor is terminated.

### Article 2

His Majesty The King and Emperor will henceforth be represented at the Court of His Majesty the King of Egypt and His Majesty the King of Egypt will be represented at the Court of St James's by Ambassadors duly accredited

### Article 3

Egypt intends to apply for membership to the League of Nations His Majesty's Government in the United Kingdom, recognizing Egypt as a sovereign independent



State, will support any request for admission which the Egyptian Government may present in the conditions prescribed by Article 1 of the Covenant.

#### Article 4

An alliance is established between the High Contracting Parties with a view to consolidating their friendship, their cordial understanding, and their good relations

#### Article 5

Each of the High Contracting Parties undertakes not to adopt in relation to foreign countries an attitude which is inconsistent with the alliance, nor to conclude political treaties inconsistent with the provisions of the present treaty.

#### Article 6

Should any dispute with a third State produce a situation which involves a risk of a rupture with that State, the High Contracting Parties will consult each other with a view to the settlement of the said dispute by peaceful means, in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

#### Article 7

Should, notwithstanding the provisions of Article 6 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 10 below, immediately come to his aid in the capacity of an ally

The aid of His Majesty the King of Egypt in the event of war, imminent menace of war, or apprehended international emergency will consist in furnishing to His Majesty The King and Emperor on Egyptian territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes, and means of communication. It will accordingly be for the

Egyptian Government to take all the administrative and legislative measures, including the establishment of martial law and an effective censorship, necessary to render these facilities and assistance effective

#### Article 8

In view of the fact that the Suez Canal, whilst being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorizes His Majesty The King and Emperor to station forces in Egyptian territory in the vicinity of the Canal, in the zone specified in the Annex to this Article, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal. The detailed arrangements for the carrying into effect of this Article are contained in the Annex hereto. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that at the end of the period of twenty years specified in Article 16 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such other procedure as the High Contracting Parties may agree

#### Article 9

The immunities and privileges in jurisdictional and fiscal matters to be enjoyed by the forces of His Majesty

The King and Emperor who are in Egypt in accordance with the provisions of the present treaty will be determined in a separate convention to be concluded between the Egyptian Government and His Majesty's Government in the United Kingdom.

#### Article 10

Nothing in the present treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928

#### Article 11

1. While reserving liberty to conclude new conventions in future, modifying the agreements of the 19th January and the 10th July, 1899, the High Contracting Parties agree that the administration of the Sudan shall continue to be that resulting from the said agreements. The Governor-General shall continue to exercise on the joint behalf of the High Contracting Parties the powers conferred upon him by the said agreements

The High Contracting Parties agree that the primary aim of their administration in the Sudan must be the welfare of the Sudanese

Nothing in this article prejudices the question of sovereignty over the Sudan.

2. Appointments and promotions of officials in the Sudan will in consequence remain vested in the Governor-General, who, in making new appointments to posts for which qualified Sudanese are not available, will select suitable candidates of British and Egyptian nationality.

3. In addition to Sudanese troops, both British and Egyptian troops shall be placed at the disposal of the Governor-General for the defence of the Sudan

4. Egyptian immigration into the Sudan shall be unrestricted except for reasons of public order and health

5. There shall be no discrimination in the Sudan

between British subjects and Egyptian nationals in matters of commerce, immigration, or the possession of property

6 The High Contracting Parties are agreed on the provisions set out in the Annex to this Article as regards the method by which international conventions are to be made applicable to the Sudan

#### Article 12

His Majesty The King and Emperor recognizes that the responsibility for the lives and property of foreigners in Egypt devolves exclusively upon the Egyptian Government, who will ensure the fulfilment of their obligations in this respect

#### Article 13

His Majesty The King and Emperor recognizes that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

His Majesty the King of Egypt desires the abolition of this régime without delay

Both High Contracting Parties are agreed upon the arrangements with regard to this matter as set forth in the Annex to this Article.

#### *Annex to Article 13*

1 It is the object of the arrangements set out in this Annex -

- (i) To bring about speedily the abolition of the Capitulations in Egypt with the disappearance of the existing restrictions on Egyptian sovereignty in the matter of the application of Egyptian legislation (including financial legislation) to foreigners as its necessary consequence,
- (ii) To institute a transitional régime for a reasonable and not unduly prolonged period to be fixed, during which the Mixed Tribunals will remain and will, in addition to their present judicial jurisdiction, exercise the jurisdiction at present vested in the Consular Courts

At the end of this transitional period the Egyptian Government will be free to dispense with the Mixed Tribunals

## Article 14

The present Treaty abrogates any existing agreements or other instruments whose continued existence is inconsistent with its provisions. Should either High Contracting Party so request, a list of the agreements and instruments thus abrogated shall be drawn up in agreement between them within six months of the coming into force of the present Treaty.

## Article 15

The High Contracting Parties agree that any difference on the subject of the application or interpretation of the provisions of the present Treaty which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

## Article 16

At any time after the expiration of a period of twenty years from the coming into force of the Treaty, the High Contracting Parties will, at the request of either of them, enter into negotiations with a view to such revision of its terms by agreement between them as may be appropriate in the circumstances as they then exist. In case of the High Contracting Parties being unable to agree upon the terms of the revised Treaty, the difference will be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present Treaty or to such other person or body of persons for decision in accordance with such procedure as the High Contracting Parties may agree. It is agreed that any revision of this Treaty will provide for the continuation of the Alliance between the High Contracting Parties in accordance with the principles contained in Articles 4, 5, 6, and 7. Nevertheless, with the consent of both High Contracting Parties, negotiations may be entered into at any time after the expiration of a period of ten years after the

coming into force of the Treaty, with a view to such revision as aforesaid

Article 17

The present Treaty is subject to ratification Ratifications shall be exchanged in Cairo as soon as possible The Treaty shall come into force on the date of the exchange of ratifications, and shall thereupon be registered with the Secretary-General of the League of Nations <sup>1</sup>

<sup>1</sup> For the arrangements as to capitulations made at Montreux, May 8, 1937 see Cmd 5491

## LII

# THE APPLICATION OF THE PRINCIPLES OF THE COVENANT OF THE LEAGUE OF NATIONS

*Assembly Debate, September 1936*

MR EDEN pointed out that in considering the problem of the League's future, there were two essential elements its machinery and the will to work that machinery. Of the two, the second was infinitely the more important. The motive for examining the Covenant and the procedure of its application was the recent failure of the collective action of the Members of the League. The principal causes of that failure were twofold: the lack of universality of the League and its failure to play a more energetic and effective part in the earlier stages of the crisis. Its authority had been greatly impaired by the fact that its pronouncements did not have the weight of a verdict of world opinion. The necessity should therefore be borne in mind for winning the widest possible acceptance for the measures proposed, so that it might be reinvested, to the greatest possible extent, with that universality which alone could give it full authority and effect.

Abstentions and defections from the League were based on two principal objections: that the Covenant invites signatories to assume obligations which all the Governments of the world are not ready, in present circumstances, to accept, and that it stands for the maintenance of an order of things with which some Governments are not content. In the opinion of the United Kingdom Government, machinery should be devised which would enable the League to intervene more effectively in the early stages than recent experience had shown to be possible. Its activities had, in the past, been hampered by the assumption that the rule of unanimity must apply to Article 11. His Government attached importance to

the suggestion that the Council should be enabled to make recommendations under the first paragraph of Article 11 without the consent of the parties to a dispute. Were this proposal to find general acceptance, it would be prepared to play its full part in the examination of any case that arose and in any steps which such examination might show to be practicable and desirable. The United Kingdom Government regarded it as all important that the Members of the Council should in any dispute express their views at an early stage and be asked to indicate the measures that they would be prepared to take to give effect to them. If, at the outset, the parties were left in no doubt as to the will of the Council and the determination of the Member States to enforce it, a powerful deterrent would be provided to any party contemplating aggression in violation of the Covenant; and the earlier such party were brought to realize the situation, the easier it would be for it to modify its attitude and to conform to the Council's recommendation. Delay too often meant that one or both of the parties committed themselves to military preparations, which became increasingly difficult to revoke; and the other Members of the League were thus faced with a situation in which it was more difficult and hazardous for them to intervene with effect.

Mr Eden stressed the merits of regional pacts devised to strengthen general security. One of the great advantages of these was that their terms were known in advance, as were the conditions in which they would be applied. The uncertainty of the operation of wider and more ambitious schemes might tempt an aggressor to hazard the risk that they would not be operated. His Government, therefore, was in favour of regional pacts provided that they were consistent with the Covenant, and it should be considered whether such pacts ought not to be submitted to the Council or the Assembly for approval. His Government was resolved to endeavour to negotiate such a pact in respect of western Europe.

In Mr Eden's view there was nothing wrong with the



Covenant of the League. Its general principles were right. It formed a logical and reasonable system which should not be incapable of practical application. Its shortcomings were due to the failure on the part of States Members to apply the system loyally and integrally. If nations were to co-operate loyally for the maintenance of peace, that peace must rest on a basis that appeared to them desirable, or at least acceptable. They would only strive to maintain a *status quo* that had won general acceptance, or to prevent a *status quo* from being forcibly changed, when they were convinced that there existed pacific methods whereby the changes could be effected.

One of the principal failings of the League, in the judgment of some, was that it had come to be regarded as an attempt to stereotype a state of things that could hardly be expected to endure for all time. Human life was not static, but changing, and it would be a mistake to try to encase world affairs in a rigid mould of a particular date. Indeed Article 19 of the Covenant recognized the impracticability of a rigid maintenance of the *status quo*. A frank discussion of grievances might go some way towards removing misconceptions, and an expression of opinion on the part of a great majority of the Assembly would exert moral pressure on the side of the remedy of injustice. It would be impracticable, however, to seek to give the Assembly power to impose changes against the wish of the parties concerned.

Finally, in the United Kingdom Government's view, it would be desirable for the Covenant to be separated from the Treaties of Peace in which it now remained incorporated, and to take the form of a self-contained convention.

MR MACKENZIE KING (*Canada*) said that his Government did not believe that formal amendment of the Covenant was now either possible or necessary. It was opposed to the view that the League's central purpose should be to guarantee the territorial *status quo*, and to rely upon force for the maintenance of peace. The mediation and conciliation aspects of the Covenant should be

emphasized with a view to transforming the collective system from a hope into a reality

Mr. Mackenzie King pointed to the danger that regional agreements might develop in practice into old-fashioned military alliances, and to the fact that, under present circumstances, they could only be worked out in parts of Europe. He expressed his Government's sympathy for the suggestion that unanimity could not reasonably be required in any effort of the Council or the Assembly to effect conciliation. He also welcomed the proposal that the Covenant should be detached from the Versailles Treaty.

MR BRUCE (*Australia*) declared that his Government did not think there should be amendments to the Covenant, but that it was desirable, on the other hand, that, by interpretative action, the obligations of States Members should be more clearly defined. He supported the views of the United Kingdom Government in respect of Article 11. In his opinion, the possibility should be considered that, in circumstances likely to endanger the peace of the world, the States Members of the League should be called together to determine their attitude towards a country that appeared to be embarking upon aggression, so that they might be prepared to take some action on a co-operative basis before the contemplated aggression actually took place. He supported also the suggestion put forward by the United Kingdom Government in respect of regional pacts, whilst pointing to the desirability of safeguarding against these pacts becoming military alliances. In his view, the League could not succeed if it was to be turned into an instrument for the maintenance of the *status quo*. The rule of law should also be the rule of equity. His Government was in favour of the separation of the Covenant from the Peace Treaties. With regard to Article 16, it desired merely that the existing practice should be recognized and put beyond question.

M KROFTA (*Czechoslovakia*), speaking on behalf of the countries of the *Little Entente* (Rumania, Yugoslavia, and Czechoslovakia), expressed the belief that no modifica-

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tion of the Covenant was called for. What was needed was a change of practice in the application of certain of its provisions. This could be done by the Assembly's passing resolutions setting forth its views on the application of the Covenant without impairing its fundamental principles, which have a bearing upon the sovereignty of States, and their equality.

In connexion with the application of Article 16, events had shown that economic and financial measures were insufficient, but that nations were not always ready to participate in military measures when their own vital interests were not at stake. It therefore became necessary to adjust the enforcement of Article 16 to these conditions. In all cases which might arise, co-operation in regard to military measures should be organized beforehand among States whose vital interests would be threatened by a breach of the Covenant. This object could be achieved by the formation of new regional *ententes*. If, however, the League should encourage regional agreements with a view to carrying into effect the military obligations of Article 16, it should, on the other hand, make every endeavour to develop its preventive action, in order that such agreements might never have to operate.

In respect of Article 19, no change would be possible without the free and formal consent of the parties concerned. To bring territorial questions before the Assembly would, far from serving the cause of peace, profoundly disturb the good understanding between nations.

## LIII

### BRITISH DEFENCE POLICY

#### 1. *Mr. Baldwin, November 18, 1936*

I APOLOGIZE for taking so long on subjects not easy, perhaps, to follow or to speak about, but again, at a meeting of this kind, where so many of us are the active workers in the great National Party—and we are the great Unionist wing of it—it is essential that we should not overlook these things, and I want yet to say a few words to you about defence. I do not propose to say much to-night, partly on account of time and partly because the question has been debated at some length in the House of Commons, and I have no doubt there has been much material in your local Press in whatever part of Scotland you may live. But I want to make three points.

There have been suggestions that the information on which the Government rely for foreign air strength is incorrect. It is not a matter which can be discussed fully in public, but I am ready to say that the information available to the Government from various sources at its command must be taken as more reliable than the deductions of any private persons.

#### *Advantages of the Army*

Secondly, I should like to say a word about recruitment. There is no more manly or honourable career than that offered to the recruit in the Army. The healthy discipline, the view of the world he might not otherwise have, the chance of learning a trade against his return to civil life, the knowledge that he is performing a duty to his country—these are not negligible things. But I must say that the social conditions to-day are, on the whole, so good compared with former days that people are apt to take for granted the benefits they receive from the State in the way of public security and personal welfare, and

they forget the responsibilities which they owe to the State. And on that I will say a word before I close. I would only add, on this subject, that if recruiting for the Army as a whole were as good as it is for the 51st Highland Division of the Territorial Army, we should not long be short of our establishments.

And I would say that, in our defence programme, we are trying to do what we can for the Special Areas. There are strategical and other reasons which make it impossible for the Government to place all their new activities in such areas, but it is evidence of the Government's intention in this matter that they have been able to erect an explosives factory at Irvine and to finance the extension of the existing factory at Ardeer.

I am glad to be in a position to say to-night that plans are well advanced to establish one other factory which will help to relieve unemployment in the Glasgow area.

#### *Nothing to Retract*

There is a third point in connexion with defence on which I would say a few words. Governments, of course, are used to being attacked, and they are used to being attacked on many different sides at once. We have been criticized on the ground that we are entirely to blame for having failed to secure international disarmament, we have been blamed for embarking on a rearmament programme at all, and we have been blamed for not starting on it two years before we did. These various criticisms have often been answered, and I recently made a statement in the House of Commons explaining, rather briefly perhaps, why the present rearmament programme had not been started earlier. I have nothing to withdraw and nothing to retract from what I said—but lest there should be any misunderstanding—and there is nothing in the world more easy than to misunderstand—perhaps I might amplify a little what I said on that occasion.

It must be emphasized that rearmament is, above all things, a national problem. It is a great misfortune, and we have been handicapped by it, that a great national

issue such as this should ever have been drawn into the arena of party politics. The solution of the problem would have been easier if all parties could have treated the question of national security as one that transcended all political issues.

What are the facts? Until 1933 this country, with the general consent and approval of all parties, was striving to secure international disarmament by agreement between the nations. Towards the end of 1933 Germany withdrew from the Conference and resigned from the League of Nations. Notwithstanding this, we continued our efforts—we never relaxed them—to secure a limitation of armaments, and as recently as 1934, as a result of discussions between the Governments concerned, various proposals were submitted, the most important of which was the proposal for an Air Convention. But, nevertheless, the failure of the Disarmament Conference, the information which reached this country as to the world-wide increase of armaments, made it clear that this country would be obliged to abandon her policy of one-sided disarmament, and she would have to take steps to repair her relative weakness in face of a steady increase of all foreign armaments.

#### *The Position in 1934*

Now there are people who seem to imagine that the Government at that time should have come forward with an extensive rearmament programme. From the national point of view, which is all that matters—the national point of view—that would have been disastrous to the very cause that we knew to be essential for the national safety. A direct reversal of the policy at that moment could never have been effected. The Government of the day had no mandate. It is, I agree, a matter of speculation whether in 1934 it would have been possible to have got a mandate for national rearmament. I have yet to meet the man who, at that time, believed it would have been possible, or who, looking back and putting himself back in 1934, not reading history backwards in the light of after

events—a most fatal mistake to make, as my old tutor used to tell me—I do not believe there is a man in the country who would maintain that we could have got the verdict on rearmament then. What did we do? During part of 1934 and 1935 Ministers, and, I may say I think quite reasonably, I myself more than any, drew attention to the country's danger in our speeches. I made it quite clear in 1934 that the Government intended to increase the Air Force, so that it should be equal in strength to that of any country within striking distance of our shores. We published a White Paper in March of last year on defence, which warned the country of the danger of the situation. Then two other things happened—the denunciation by Germany of the military clauses of the Versailles Treaty, with the reintroduction of conscription, and the war between Italy and Abyssinia, which convinced large sections of our people that rearmament was essential in this country if we were ever to play an effective part in the system of collective security.

#### *Verdict for Rearmament*

Now, these events, and a certain amount of campaigning, I think, gave our electors the instruction that was necessary, and last year in the autumn they gave a verdict which, by its size, astonished a great number of the electoral pundits—a verdict in favour of rearmament, and I believe still that is the earliest moment at which such a verdict might have been given. But let me add one thing on that. I said in the House of Commons, as I have often said<sup>1</sup>—I put it tersely in a phrase—that democracy may lag two years behind a dictator. I see that Mr Herbert Morrison, of the Labour Party, has been criticizing that, and criticizing it—I won't say unfairly—but in a way which shows he really did not understand what was in my mind. Here is a case of lag. Why is it a case of lag? Because when you reverse a policy, whatever it may be, a dictator can reverse it in a night, and as long as he is a

<sup>1</sup> November 12 1937

dictator, and no longer, people will follow him next morning.

There is no democratic statesman in the world who can do that. A democracy must be convinced of the right of the cause, and if a statesman wishes to reverse national policy he has to educate democracy, and the people may follow him or they may not. But if they be an intelligent people they wish to be convinced, and they cannot be convinced in five minutes, and that is where the lag comes in. It might well have taken a year or two to convince a country so passionately attached to peace as our country, so hopeful of securing it, it may well have taken a year or more to convince them that, instead of that, it was their duty to rearm. But when a democracy has decided on its course there is no reason on earth why it should not be every whit as efficient, working by conviction and free will, as any dictatorship working under pressure and compulsion. That, I think, is what Mr. Morrison meant, because he rather sneered at me, I think, and seemed to think I was indicating that democracy was inferior in action. Not at all, when it is resolved to act, not at all. Lag, yes. In switching right round and changing course it has no less determination, it has no less capacity, and it has no less staying power.

Now, I have almost finished. There is only one thing I want to add. I said I would say a word to you on the responsibilities of democracy. There is a fundamental difference in what we believe in and what we fight for—and, indeed, all parties share this—between us and those who would impose a system, as the Communists would, by first causing chaos and then employing the only thing that can restore order from chaos, and that is a dictatorship. The difference between those two systems goes to the whole root of our lives. We stand for evolution, progressive, constructive, the result of free debate, free speech, free discussion. Under that system of ours, the standard of living of the whole of our people has steadily improved for many years past—the social services, housing, transport, leisure—all on the basis of an ordered



liberty, and we have far to go and much to do yet. And I think it was very striking, when the Trade Union Congress last September refused to have anything to do with Communism. It is a sign of the times, and, frankly, it is what I would expect of that organization, because, after all, what is that organization? It represents many millions of my own fellow countrymen, and I have always taken the view that there is more political horse-sense among my fellow countrymen than among anybody else's fellow countrymen. Therefore, they could do none other. The men and women who form our Trade Unions, just like those who work or serve in any other walk of life, want progress, but they want to work for it by orderly means, and they don't believe you are going to get progress by creating chaos on the way. They don't want disruptive forces, Red or Black, and that view, I believe, is shared by our fellow countrymen from end to end of the country with a very few negligible exceptions.

#### *Duty to the State*

But we shall never keep what we have got if we don't deserve to keep it, and we don't deserve to keep it unless as a nation we realize, every man and woman of us, our duty to the State. We must all work to preserve our liberty and work for our State, some in one way, some in another; this man in the forces of the Crown, that man making munitions, another man making goods for trade, some of us in Parliament, some in local government, all doing what we can in our respective ways to make this a stronger and a better and a sweeter country. Then we shall deserve to pull through, and we shall. But I have said more than once, and I said in the House of Commons the other day once again what I want to say to you, and what I believe I said at first to the Canadians in Westminster Hall who had come over for the dedication of the Vimy Ridge Memorial—if this Europe of ours allows itself to be an arena of war from one end to another while we are still finding and burying the bodies of those who were killed twenty years ago, if we allow that, our

civilization will deserve to perish. And as of Europe, so it is of this country. If we are not men and women enough to keep it alive by our own lives of service to our country, our country and all those in it will deserve to perish. And now let us resolve, all of us here at this great Unionist Conference, to renew our vows once more to the service of our country, and to dedicate our lives anew to her.

## 2 *Memorandum on Defence Loans of £400,000,000*

### I

THE proposed resolution is to the effect:

That it is expedient—

(1) to authorize the Treasury, during the five years ending on the thirty-first day of March, nineteen hundred and forty-two, to issue out of the Consolidated Fund sums not exceeding in the aggregate four hundred million pounds to be applied as appropriations in aid of the monies provided by Parliament for the Navy, Army (including Royal Ordnance Factories) and Air services for those years.

Provided that the amount so issued in respect of any service for any year shall not at any date exceed the aggregate of the amounts proposed to be so issued in respect of that service by the estimates upon which this House has before that date resolved to grant sums to His Majesty to defray expenses for that service for that year;

(2) to authorize the Treasury, for the purpose of providing money for the issue of sums as aforesaid or for replacing sums so issued, to raise money in any manner in which they are authorized to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, and to provide that any securities created and issued accordingly shall be deemed for all purposes to have been created and issued under the said subsection (1),

(3) to authorize the Old Sinking Fund to be used in the said five years for providing money for the issue of sums

as aforesaid instead of being issued to the National Debt Commissioners,

(4) to provide for the repayment to the Exchequer, out of monies provided by Parliament for the said services in such proportions as the Treasury may direct, of the sums issued as aforesaid with interest at the rate of three per cent per annum as follows—

(a) until the expiration of the said five years interest only shall be payable,

(b) thereafter the sums so issued shall be repaid together with interest by means of thirty equal annual instalments of principal and interest combined,

(5) to provide for the application of sums paid into the Exchequer under the last foregoing paragraph, so far as they represent principal, in redeeming or paying off debt, and, so far as they represent interest, in paying interest otherwise payable out of the permanent annual charge for the National Debt

## II

1. This Resolution is required for the introduction of a Bill to authorize the Treasury to borrow money for the purpose of meeting in part the expenditure necessary to bring the Defence Services up to the level of safety deemed necessary by the Government

2 It is proposed to authorize the Treasury to issue from the Consolidated Fund sums not exceeding in the aggregate £400 millions. The powers of issue are to be limited to the period of five years commencing on the 1st April, 1937

3 For the purpose of providing for, or replacing, these issues the Treasury would be authorized to borrow in any manner in which money may be raised under the War Loan Act, 1919. If, however, during the period in which issues may be made, there is an Old Sinking Fund, i.e., an achieved surplus of Budget income over expenditure, the Treasury may, in lieu of issuing such a surplus to the National Debt Commissioners for the redemption of debt under the Sinking Fund Act, 1875, apply it for the

purpose of providing money for the Defence services. Any sums so applied will reckon as part of the £400 millions for the issue of which authority is sought and the power of the Treasury to borrow money will be reduced *pro tanto*.

4 In order that full Parliamentary control over the provision for the Defence Services may remain unimpaired, the whole of the proposed expenditure on Defence will continue to be shown in Estimates laid before the House of Commons by the Ministers responsible. The sums proposed to be issued from the Consolidated Fund under the powers now sought will be shown in the Estimates as Appropriations in Aid of Votes for the Navy, Army, and Air Services and the Royal Ordnance Factories, the sums being allocated to those Votes for each Service which are principally affected. Further the sums which may be appropriated in aid under this Act must not in the course of any financial year exceed the sums shown in the Estimates laid in connexion with the Vote or Votes to which the House of Commons has given its approval by the appropriate Resolution in Supply.

5 Provision will be made for the repayment of the sums issued in this way, with interest at 3 per cent per annum, by means of charges on Defence Votes. During the period of borrowing, that is up to the 31st March, 1942, interest only will be payable thereafter annuities will be set up on the Defence Votes sufficient to repay the sums issued with interest thereon in a period of thirty years. The allocation of these charges between the Defence Services will be determined by the Treasury. Interest so provided will be paid into the Exchequer and issued therefrom in payment of an equivalent amount of interest which would otherwise fall to be met from the permanent annual charge for the National Debt. At the close of the borrowing period repayments in respect of principal will commence and will, after receipt into the Exchequer, be applied in redeeming or paying off debt of such description as the Treasury think fit.

6 In the White Paper on Defence presented to Parlia-

ment on the 3rd March, 1936 (Cmd. 5107), it was stated that, owing to the necessary flexibility of the programme, and in view of the uncertainty as to the rate of progress possible over so large a field, it would be premature at that date to attempt any estimate of the total cost of the measures described in the Paper. It was added that in the absence of any scheme of general disarmament, it must be anticipated that the annual cost of maintenance for the reorganized Services would remain on a higher level. Since the proposals were first formulated, experience has shown the desirability of modifying them in certain particulars, while considerations of general policy have emphasized the pre-eminent importance of certain parts of the scheme and have rendered necessary certain measures of acceleration. The need for retaining the utmost degree of flexibility is no less important to-day than twelve months ago, and it would be misleading to attempt to state, even in general terms, the total cost of a programme which it is intended should be spread over a period of years and which will necessarily be subject to substantial modifications from time to time.

7 It must therefore be understood that the figure of £400 millions in the Resolution does not purport to represent the cost of the new programme. It represents a maximum aggregate sum which may be provided from borrowed monies or from Old Sinking Fund towards the total cost of Defence in the course of a period of time limited by the Resolution to a maximum of five years. These limits on the sums to be borrowed and on the period of borrowing are not themselves final, as either may be modified by subsequent Parliamentary enactment if conditions so require. It should be mentioned, however, that, while the Resolution authorizes the appropriation of sums to any Defence Votes, it is not prepared to apply borrowed monies to an extent which would result in relieving the Budget from recurrent expenditure on the maintenance of the Forces.

8 The sums to be issued from the Consolidated Fund will be appropriated in aid of those Votes which will bear

the major part of the new expenditure. Examples of these Votes are Navy, Votes 8 (Shipbuilding, Repairs, Maintenance, &c), 9 (Naval Armaments), and 10 (Works, Buildings, &c), Army, Votes 9 (Warlike Stores), and 10 (Works, Buildings, and Lands); Air, Votes 3 (Technical and Warlike Stores) and 4 (Works, Buildings, and Lands).

*February 11, 1937.*

## THE POLICY OF NON-INTERVENTION IN SPAIN

### 1 *Resolution of the Council of the League of Nations, December 12, 1936*

THE Council,

After hearing the observations made before it;

#### I

Noting that it has been requested to examine a situation which, in the terms of Article 11 of the Covenant, is such as to affect international relations and to threaten to disturb international peace or the good understanding between nations upon which peace depends,

Considering that that good understanding ought to be maintained irrespective of the internal régimes of States,

Bearing in mind that it is the duty of every State to respect the territorial integrity and political independence of other States, a duty which, for Members of the League of Nations, has been recognized in the Covenant;

Affirms that every State is under an obligation to refrain from intervening in the internal affairs of another State,

#### II

Considering that the setting-up of a Committee of non-intervention and the undertakings entered into in that connexion arise out of the principles stated above,

Having been informed that new attempts are being made in the Committee to make its action more effective, in particular by instituting measures of supervision, the necessity for which is becoming increasingly urgent

Recommends the Members of the League represented on the London Committee to spare no pains to render the non-intervention undertakings as stringent as possible, and to take appropriate measures to ensure forthwith that

## POLICY OF NON-INTERVENTION IN SPAIN 187

the fulfilment of the said undertakings is effectively supervised,

### III

Views with sympathy the action which has just been taken on the International plane by the United Kingdom and France with a view to avoiding the dangers which the prolongation of the present state of affairs in Spain is causing to peace and to good understanding between nations,

### IV

Notes that there are problems of a humanitarian character in connexion with the present situation, in regard to which co-ordinated action of an international and humanitarian character is desirable as soon as possible,

Recognizes, further, that, for the reconstruction which Spain may have to undertake, international assistance may also be desirable,

And authorizes the Secretary-General to make available the assistance of the technical services of the League of Nations should a suitable opportunity occur.

## 2. *Merchant Shipping (Conveyance of Armaments to Spain) Bill: House of Commons Debate,* *December 1, 1936*

MR RUNCIMAN I beg to move, 'That the Bill be now read a Second time'

In order to understand the object of this Bill and its necessity, I think it would be as well at the outset for me to draw attention to the statement made a week ago by the Secretary of State for Foreign Affairs As the House remembers, my right hon Friend was discussing then our relation to the two sections in Spain who are engaged at the present time in a civil war He said

The policy of His Majesty's Government is to take no part in the Spanish war and to give no assistance to either side in the struggle In pursuance of this policy, His Majesty's Government have been considering further the importation



of arms into Spain by sea and the problems arising therefrom His Majesty's Government have not so far accorded belligerent rights at sea to either side in the Spanish struggle, and they have no present intention of according such rights As a consequence, His Majesty's ships will, should it prove necessary, protect British merchant ships on the high seas against interference by the ships of either party engaged in the conflict in Spain outside the three-mile limit.

My right hon. Friend continued:

At the same time it is not the intention of His Majesty's Government that British shipping should carry war material from any shipping port to any port in Spain In order to make this as effective as possible in the circumstances, the Government intend to introduce legislation immediately rendering the carriage of arms to Spain by British ships illegal, and I take this opportunity of warning all British shipping accordingly

It is with the object of giving effect to that declaration of policy that it has become necessary to introduce this Bill It is clear from the statements made from time to time from this Box since the beginning of August that our policy has been, in agreement with that of other European Powers, one of non-intervention Exports from this country to Spain of arms and munitions of war have been entirely prohibited, and every impartial person is conscious of our neutrality in that civil war These measures of non-intervention have been successful in confining the struggle to Spain and in keeping this country free from participating in any way Arms are, however, being carried to Spain in spite of the non-intervention agreement Who is supplying the arms and to which side is immaterial. What is important to us is that a few British ships have been engaged on this traffic and that this traffic is opposed to the policy of His Majesty's Government

The insurgents have made it clear that they intend to prevent by force the arrival of arms by sea for the Spanish Government We have at once, therefore, to consider the exercise of belligerent rights Let me say a word with

regard to belligerent rights. If they were granted we should have to allow British ships to be stopped, to be searched or captured on the high seas by the ships of an authority whose status has not been recognized by this country. To stop British ships would be an act of force, to search them would subject them to an indignity; to capture them might be an outrage. If belligerent rights were not granted we should have to give naval support to enable British ships to carry arms to Spain in contravention of our declared policy. On that His Majesty's Government came to the conclusion that a simple prohibition of consignments by British ships was the proper solution, and the reasons for holding that view are as follows

- (1) The internal controversies of Spain do not justify interference with British ships on the high seas.
- (2) His Majesty's Navy must not be used to safeguard British ships which are acting in direct contradiction of the policy of His Majesty's Government.

It follows that His Majesty's Government have decided that British ships shall not be allowed to carry arms to Spain. I can best describe to the House the operation of this decision by reminding them what the position will be when the Bill becomes an Act of Parliament. The legislation we are now proposing will enable His Majesty's ships to take measures for preventing United Kingdom vessels carrying arms to Spain. Under the Bill a United Kingdom ship carrying arms to Spain will be committing an offence against our own law and she can be brought in by any of His Majesty's ships for adjudication before a competent British court. In the circumstance of the Bill becoming law there can remain no possible excuse for any interference by Spanish warships with United Kingdom vessels, and such interference on the high seas would, of course, be resisted.

I have put as plainly and as briefly as I can the position in which His Majesty's Government and, let me add, the British Merchant Navy will stand, after the passage of this Bill into law. But we are not alone in taking action of

this nature. The Ministry of Foreign Affairs in Norway have announced that, 'Until further notice the use of Norwegian ships for the transport of arms and munitions and aircraft, or parts thereof, to Spain or countries which belong to Spain, is prohibited'. That regulation came into force on 28th November. I understand that the French Government also take the view that they do not wish their ships to carry arms from foreign ports to Spain, and they are contemplating certain action in the matter, though we have not yet been supplied with any details of what that action may be. Those are two very important decisions, and I attach importance to them because they are both Left-Wing Governments.

Now may I briefly explain the powers given in the Bill? The object of the Bill is to prevent the carriage of arms to Spain by ships which are entitled to the protection of the British Navy, and if hon. Members will look at the Bill and follow the various Clauses, they will see that Sub-section (1) of Clause 1 prohibits ships to which the Act applies from loading or carrying arms for discharge at Spanish ports or into another vessel at sea for the purpose of discharging at Spanish ports. The second Sub-section defines the articles prohibited to be carried, and they are the same as those which may not be exported to Spain under the Non-intervention Agreement. The list is to be found in full in the Order of 1931. Page 2 of that Order sets out a very wide range of arms and ammunition which come under that Order. The Arms Export Prohibition Order, 1931, therefore provides us with the list which is necessary for the operation of this Bill.

MR. BELLENGER. Has that a number?

MR. RUNCIMAN. Yes. Statutory Rules and Orders, 1931, No. 413. Sub-section (2) defines the articles prohibited to be carried, and this Sub-section is one of the most important in the Bill. There is no intention whatever of curtailing it, but there is power, of course, in the Sub-section to vary the list if necessary. The third Sub-section of the first Clause defines the ships covered by the prohibition, and it covers all ships which are entitled to

protection from His Majesty's ships, that is to say, ships registered in the United Kingdom, ships registered in any colony, protectorate, or mandated territory, and ships registered in India or Newfoundland, but it does not include ships registered in the Dominions, in respect of which the United Kingdom does not and cannot legislate. Whether this makes any practical difference is a matter of speculation, but I would point out to the House four facts. First, the Dominions have been informed of our proposals, but we have not yet had any indication from them as to their attitude on them. It is entirely a matter for the Dominions themselves. Secondly, only the Irish Free State is a party to the Non-Intervention Agreement. Thirdly, there are not many Dominion-registered ships of the type likely to be involved, for they are mainly liners and coasters. Fourthly, no Dominion-registered ship, as far as we can tell, is anywhere near Spain at the present time. Under those circumstances the limitation, that is to say, the exemption of Dominion ships is of very little practical value.

MR STEPHEN: If a Dominion ship were engaged in this, would it be entitled to the protection of the British Navy?

MR RUNCIMAN: I cannot say definitely whether it would or would not under present circumstances, but I am sure of this, that if the prohibition were to be made effective, Dominion ships must refrain from this practice. What I have just said to the House makes it clear that there are in fact no Dominion ships anywhere near Spain, and, therefore, this urgent Measure need not necessarily apply to them.

MR SHINWELL: Will the right hon. Gentleman answer this simple point with regard to Dominion-registered vessels that resemble vessels belonging to the Canada Steamship Lines registered in Montreal or vessels belonging to the Adelaide Steamship Company registered in Adelaide? If vessels belonging to either of these lines happen to be engaged in this traffic, will they receive the protection of the British Navy?

MR RUNCIMAN. I can only say that, so far as this legislation is concerned, it cannot apply to Dominion vessels, for the simple reason that we have no control over them. If I am asked whether the British Navy would grant protection to those vessels, I think the British Navy would refrain from granting protection to vessels which were acting in contravention of a law applying to our merchant ships. I have been asked on the spur of the moment what is my interpretation of it, and I have given it.

MR SHINWELL. This is very important. Has that information been conveyed to the Dominion Governments? Has that point, the absence of protection in certain circumstances, been conveyed to the Dominion Governments?

MR RUNCIMAN. That has nothing whatever to do with this Bill. If, however, the Debate is taken on a broader basis, I have no doubt that that will be dealt with in the course of this sitting.

MR ATTLEE. That interpretation has been put on it, and surely we ought to know now. The point has been raised, and it is one of very great consequence.

MR RUNCIMAN. It has nothing to do with the Bill, in the first place, but if the right hon. Gentleman wishes to have the subject dealt with, in so far as it is within the Rules of Order, it will be dealt with in the course of the Debate.

MR ATTLEE. On the Second Reading of a Bill we are discussing the policy of the Bill, and this is a matter of policy. Can we have a reply now, therefore?

MR RUNCIMAN. The question put to me could equally well have been put before the Bill was introduced or suggested. It has no direct connexion with this Bill.

COLONEL WEDGWOOD. May I ask this question? Under this Bill power is conferred to search British ships at sea to see whether they are conforming to the law as laid down in the Bill. Will that search extend to Dominion vessels or not?

MR RUNCIMAN. No, of course it will not, and if my

right hon. and gallant Friend had read the Bill, he would have seen that if the point is a material one every effort will be made to satisfy the right hon. Gentleman on this one point, but I must point out that it does not come within this Bill and would not be consistent with the opening statement which I am now making. May I go on with the machinery of the Bill? Sub-sections (4) and (5) provide for penalties. Under Sub-section (4) an offence in contravention of the Act is a misdemeanour. The penalties under the Merchant Shipping Act for a misdemeanour are, on summary conviction, a fine not exceeding £100 or imprisonment up to six months, with or without hard labour, and, on indictment, an unlimited fine or imprisonment up to two years, with or without hard labour. These penalties can fall upon the owner, the charterer, or the master, if privy to the offence. Under Sub-section (5) proceedings may be taken for forfeiture of the goods carried in contravention of the law. Sub-sections (6) and (7) merely give the necessary powers for the enforcement of the previous Sub-sections. Sub-section (8) applies certain provisions of the Act, if passed, retrospectively from 23rd November. Clause 2 is mainly formal and self-explanatory, the only point of interest being Sub-section (5), which contains provisions for bringing the Act to an end when circumstances have altered.

The House is asked to pass this Bill through all its stages in one day. From the moment when it appeared that the insurgents intended to exercise search, the powers given by the Bill became necessary. By direction of the Government, the Navy for the past week have been ready to act as if the Bill were law. The Bill is designed to meet a certain difficult situation. As soon as that situation existed, it was imperative that the policy which the Bill outlines should be put into operation, and the House is therefore asked to pass the Bill as quickly as may be, in order that, first, the Navy will have legal force given to orders upon which it has been acting already, secondly, that British ships which are acting in contravention of the

policy of His Majesty's Government may be brought to book, and thirdly, that British ships passing on the seas upon their lawful occasions may do so without interference and with the protection of His Majesty's Navy

MR EDEN I want to begin by referring to a point which was raised in an intervention at the beginning of the Debate in connexion with the position of Dominion shipping. There may be some misunderstanding, because when there are interruptions across the Table we get at cross-purposes, and I want to put the position quite plainly. In the first place, we have no reason to believe that there are any Dominion ships engaged in carrying arms to Spain or that there is any likelihood of any such ships doing so. We have no reason to believe that there is any likelihood of this happening, but if there were we should of course at once get into communication with the Dominion Government concerned, and we have no reason to believe that any Dominion Government would not co-operate with us in carrying out the policy of non-intervention. We have pursued the normal course. We have informed them of our action, which is the normal course, when the matter is not one upon which they have to pass legislation. If they want to say anything they say it. They have not done so in this case. But this is the important point. No instructions have been issued or will be issued by the Admiralty not to protect Dominion shipping, and the position, therefore, at present is that any Dominion ship will be entitled to the protection of the British Navy. The point is really completely academic, because there are, in fact, no Dominion ships except liners within 1,000 miles of Spain, and Dominion ships are mostly coastal, and their routes are nowhere near Spain at all.

The Bill forms part of the non-intervention policy of His Majesty's Government. Those who are opposed to the policy of non-intervention and wish us to break up the agreement are perfectly logical in opposing the Bill, but I submit that others are not. What would be the position without this Bill, that is, the position under the Non-

Intervention Agreement without this Bill? The position would be this. We should forbid the export of arms from this country to Spain; that is part of the agreement. We should have declared, as we have declared, although it seems to be ignored, our intention to protect British ships at sea. But without this Bill British ships may take arms from foreign ports to Spain against the declared policy of His Majesty's Government, and claim the protection of the British Navy if they get into difficulties. That is the position without the Bill. Therefore, the first point is that to oppose the Bill and support non-intervention is to approve of British ships being forbidden to take British arms from this country to Spain, but to allow them to take arms from foreign countries to Spain. That is not a position which, I think, hon. Members in any part of the House desire.

### 3. *British Relations with Italy*

#### i. *Declaration by the British and Italian Governments, January 2, 1937*

His Majesty's Government in the United Kingdom and the Italian Government

Animated by the desire to contribute increasingly, in the interests of the general cause of peace and security, to the betterment of relations between them and between all the Mediterranean Powers, and resolved to respect the rights and interests of those Powers,

Recognize that the freedom of entry into, exit from, and transit through, the Mediterranean is a vital interest both to the different parts of the British Empire and to Italy, and that these interests are in no way inconsistent with each other,

Disclaim any desire to modify or, so far as they are concerned, to see modified the *status quo* as regards national sovereignty of territories in the Mediterranean area,

Undertake to respect each other's rights and interests in the said area,



Agree to use their best endeavours to discourage any activities liable to impair the good relations which it is the object of the present declaration to consolidate

This declaration is designed to further the end of peace and is not directed against any other Power

ERIC DRUMMOND      G CIANO

11 *Exchange of Notes regarding the status quo in the Western Mediterranean, December 31, 1936*

*Sir Eric Drummond to Count Ciano*

YOUR Excellency,

The Royal Italian Government may perhaps be aware that the Secretary of State for Foreign Affairs was asked in the House of Commons on 16th December whether he would lay upon the table of the House the precise terms of the guarantee given to His Majesty's Government by the Government of Italy concerning the occupation of the Balearic Islands by Italian subjects

To this question Mr Eden replied that the assurances to which reference was made were given verbally. He proceeded to state that His Majesty's Chargé d'Affaires in Rome, acting on instructions, informed the Italian Minister for Foreign Affairs on 12th September that 'any alteration of the *status quo* in the Western Mediterranean would be a matter of the closest concern to His Majesty's Government'. Mr Eden continued that, in taking note of this communication, the Italian Minister for Foreign Affairs had assured Mr Ingram that the Italian Government had not, either before or since the revolution in Spain, engaged in any negotiations with General Franco whereby the *status quo* in the Western Mediterranean would be altered, nor would they engage in any such negotiations in the future. This assurance, the Secretary of State added, was subsequently reaffirmed spontaneously to the British naval attaché in Rome by the Italian Ministry of Marine, and the Italian Ambassador in London had on several occasions given to the Secretary of State similar verbal assurances.

In view of these assurances, His Majesty's Government in the United Kingdom assume that, so far as Italy is concerned, the integrity of the present territories of Spain shall in all circumstances remain intact and unmodified. They would, however, be grateful if your Excellency saw your way formally to confirm the accuracy of this assumption, and I have accordingly the honour to inquire whether your Excellency could supply me with such confirmation

I avail, &c

ERIC DRUMMOND.

*Count Ciano to Sir Eric Drummond*

M l'Ambassadeur,

I have the honour to acknowledge the receipt of your Excellency's note of to-day's date in which you draw my attention to a question asked in the House of Commons on 16th December last, and the reply given by Mr Eden, on the subject of the assurances given verbally by the Royal Italian Government concerning the *status quo* in the Western Mediterranean. You reminded me that in taking note of the communication made by His Majesty's Chargé d'Affaires on 12th September I assured Mr Ingram that the Italian Government had not, either before or since the revolution in Spain, engaged in any negotiations with General Franco whereby the *status quo* in the Western Mediterranean would be altered, nor would they engage in any such negotiations in the future.

I have consequently no difficulty, on behalf of the Royal Italian Government, in confirming the accuracy of His Majesty's Government's assumption, namely, that, so far as Italy is concerned, the integrity of the present territories of Spain shall in all circumstances remain intact and unmodified.

I avail, &c

G CIANO

4 *The International Situation in 1937*

*Mr. Eden, House of Commons, January 19, 1937*

EVERY moment gained for peace is a reckoning on the right side. It must be increasingly evident to all how great a part this country is likely to be called on to play in world affairs this year, and how immense, therefore, is our responsibility. We must all be conscious of that. In no sphere more than in the international is there need for Parliament to be a council of state in which we all of us contribute to our utmost—not in secrecy as in some countries, but before the world—to the wise guidance of our foreign policy. I truly believe that the display of wise statesmanship by Parliament this year in foreign affairs can have an immense influence on their course, not only as instancing the deep-seated strength of Parliamentary institutions, which is in itself extremely important, but also as a constructive contribution to the tasks that confront us all. If we are to contribute of our best it is imperative that we should do all that is humanly possible to divest ourselves of the passions and prejudices to which, naturally, we are all subject, and with as little partisanship as may be to give the wisest counsel that we can. It is in this spirit that I wish to say a few words to the House to-night.

Overshadowing all other events in the international situation is the present situation in Spain. Though the conflict continues with unabated bitterness, the risk of its involving Europe in a war, though not yet wholly removed, has been definitely diminished. Intervention in the Spanish Civil War may, and I am afraid will, prolong the horrors of that war and increase the sufferings of the unhappy Spanish people. For that reason, and others, we have been from the first opposed to it, and are so still. But if any hon. Member believes that as the outcome of this civil war in Spain any single foreign Power, or pair of foreign Powers, is going to dominate Spain for a generation, to rule its life, to direct its foreign policies, then I am convinced he is mistaken in his judgement, and I would reply to him that of all the possible outcomes of

this civil war that is the most unlikely I will tell the House why

We should be strongly opposed to any such happening, and I have no doubt that we should not be alone in our opposition, for there would be all the 24,000,000 of Spanish people themselves. Almost the only thing that can unite Spain—profoundly, bitterly divided as she is—would be a common hatred of the foreigner. That strong partisans on one side or the other will feel gratitude for those who have helped them in the civil strife is likely enough, but, unless the whole past history of Spain is belied in this conflict, the great mass of the proud Spanish people will feel the least ill-will to those nations which have intervened the least. If we take the long view—and in an issue of this kind it is the long view that counts—intervention in Spain is not only bad humanity, it is bad politics.

None the less, we have our own national interests. What are they in this conflict? They are not that Spain should have a particular form of government, whether of the Right or Left. For us to indulge in a championship of that kind would be to enter into the war of rival ideologies which we have condemned. The form of government in Spain should be a matter for the Spanish people, and no one else. It is for that reason that we have discouraged, and shall continue to discourage, outside intervention in her internal affairs. In this connexion I want to make plain something in answer to a supplementary question asked in the House to-day. There is no word, no line, no comma, in the Anglo-Italian Declaration which could give any foreign Power a right to intervene in Spain, whatever the complexion of the Government in any part of that country. Yet there are British interests in this Spanish conflict, and they are twofold. First, that the conflict shall not spread beyond the boundaries of Spain, and second, that the political independence and the territorial integrity of Spain shall be preserved.

Ever since Mr. Plim took the initiative last August, all

sections of opinion in this country have supported that principle. Criticism only began to make itself felt when non-intervention was found to be incomplete. Yet it is true, in the Government's view—though, of course, non-intervention has not worked as we would have wished it, though breaches of the agreement have caused much bitterness and have robbed the policy of much of its effectiveness in shortening the war in Spain—that none the less there can be no doubt that the policy was, and remains, the right policy for Europe to pursue. More recently we have been engaged in this problem of volunteers which has raised the whole issue of non-intervention in a still more acute form. Our own efforts have been consistently bent to stop the flow of these volunteers from every source. It is true that this question of volunteers was not dealt with in the early days of this dispute, and to that extent certain Powers, we must recognize, have a case when they complain that this was not done. Certain nations have taken unilateral action.

On Christmas Eve we and the French Government jointly addressed a Note to the other four Governments asking them to agree to take joint action to put a stop to the flow of volunteers from their countries. Replies were eventually received, after some further diplomatic activity some ten days ago. Although these replies could not be regarded as satisfactory in all respects, they did contain certain elements of agreement on which we thought it our duty to seize and turn to advantage, if we could, without delay. So, forty-eight hours after receiving these answers, we addressed further communications to the five Governments, the French Government having been informed of our intention, pointing out the elements of agreement there were and asking them to fix a date with us on which we should all jointly agree to stop the flow of volunteers in advance of the system of control, of the necessity of which we were all convinced. Since then a Bill has been passed by the French Legislature in wide terms to prohibit the enlistment in French territory, or the departure from or transit through French territory, of

any person of whatever nationality for service in Spain or Spanish possessions, as well as the enlistment of French nationals outside French territory I have no hesitation in saying that if all Governments would place themselves equally in that position we should be nearer to agreement than we are to-day.

The Portuguese Government have told us that a similar measure can be enacted at short notice under their constitutional procedure, and they are prepared to put such a measure into force on any date agreed on by the others. The Soviet Government point out that they have already expressed themselves in favour of an early general agreement, on the understanding that effective control be organized. They argue—and I think other Governments agree with them, certainly we do—that this control must be such as can, if necessary, be applied without the consent of the two parties in Spain, and they appear to accept our suggestion that the prohibition should be put into force as soon as general agreement can be reached, without necessarily waiting for the actual organization of the control, which may take some little time. No replies have yet been received from the German and Italian Governments, but I am told that these will reach us within the next few days.

Meanwhile, there is this problem of control, and a system has been worked out under the auspices of the Non-Intervention Committee. Such a system would not present any very great difficulties if the two parties in Spain would agree, but we cannot count on that, so it has been our duty to work out a scheme which will be operative under the more difficult conditions of the two parties in Spain not agreeing. An immense amount of technical work has been done upon this matter. As the House will clearly perceive, it is a difficult matter to ensure definite control when the two parties in Spain do not agree to your operating in their country. But an immense amount of work has been done by the experts of all nations, and I hope the House will allow me to pay a tribute to the Chairman of the Committee, Lord Plymouth, who, in the

face of as much discouragement as any man could have in a task, has persevered in the attempt to work out such a scheme

Having said that, I come to what we ourselves have been doing and I would like to say a word about the notice which was issued, as the House will remember, on the 11th January, calling attention to the fact that the Foreign Enlistment Act was applicable in the case of the Spanish civil war. There appears to be some misapprehension as to the reasons which induced the Government to take that action. Within the last few weeks the attention of the Government has been called to the development of recruiting activities in this country. I deliberately say 'recruiting', and not 'volunteering', because it is the activities of recruiting agents to which our attention has been directed, rather than the purely voluntary enlistment of individual supporters of one side or the other wishing to go to fight in Spain. Recruitment has begun to be carried out in this country in various forms, and I want the House to know about it, so that it may see the situation in which we were placed. There have been agents seeking to recruit young men to go and fight in Spain, and particularly young men capable of piloting aeroplanes. The Government have been informed, for instance, of a case where a recruit was offered £40 a week, with expenses paid, to serve as a pilot in the civil war, with a bonus of £500 for every enemy aeroplane shot to the ground.

MR GALLACHER For Franco

MR EDEN It does not matter for whom it is, it is wrong that a system of this kind should be employed. I would ask the House to observe that it is not a question here of some one going to fight in Spain for their political principles, it is a question of recruiting going on, of offering individuals money to go and take part—

MR GALLACHER I want to challenge the Home Secretary to give us one case of a man who has gone to support the Madrid Government for money, and who has not gone for his principle.

MR EDEN Perhaps the hon Gentleman will hear the rest of what I have to say, when he will find himself answered. The position we had to face was that this kind of inducement was being offered to young men in our country to risk their lives in Spain. That was the issue with which we were faced, and I want the House to appreciate it. We were bound to be asked, not whether it was right or wrong that they should go, but whether it was legal or not that they should go, and that is exactly what happened. Parents and relatives, and sometimes the recruits themselves, made application to the Foreign Office, the Home Office, or other authorities to know whether this recruiting was within the law or not.

I turn now to another grave political subject, that of the position which has arisen in Morocco. On 8th January the French Ambassador informed me that his Government had received news of the impending arrival, in the Spanish zone of Morocco, of a strong contingent of German volunteers. He told me that preparations for their reception, in the form of barracks and food supplies, were being made, and that German engineers were engaged on fortifications near Ceuta. This news naturally caused anxiety to the French Government, in view of their own position in Morocco and in view of the provisions laid down in their Treaties of 1904 and 1912 with Spain. Perhaps, to make the position clearer, I may explain to the House that, by the Franco-Spanish Convention of 1904, Spain was debarred from invoking the assistance of a foreign Power in her sphere of influence in Morocco. At the same time reports of an alarming character were also appearing in the French Press, including allegations that German contingents of more than 1,000 men each had landed at Ceuta and Melilla, the establishment of a German commercial monopoly in the zone and so forth. I should not like the House to think that His Majesty's Government had been either careless or unobservant in this matter. Just before Christmas I had already instructed His Majesty's Consul-General at Tangier to furnish a detailed report covering any non-Spanish activities in the



Spanish zone In view of the French Ambassador's statement to me I asked the Consul-General to report by telegraph such information as he had already obtained, particularly as regards the landing, or preparations for landing of German troops and as regards fortifications in the neighbourhood of Ceuta The answers that I have received have been of a generally reassuring character

The House will recall that on 11th January the German Chancellor gave a positive assurance to the French Ambassador at Berlin that no German force, apart perhaps from a few technical experts, were in the Spanish zone of Morocco and that he had no intention of sending German forces there or occupying any place in the zone The German Foreign Minister gave a similar assurance at the same time to our Ambassador in Berlin After that, as the House knows, the German Foreign Minister and the French Ambassador drew up a joint communiqué, which has since been published Within the last few days we have received a further telegram from His Majesty's Consul-General at Tangier to the effect that the Spanish High Commissioner at Tetuan had sent an invitation for British military officers from Gibraltar to visit Ceuta or any point in the Spanish zone, and he himself suggested a visit from a British warship to Ceuta or Melilla That invitation was accepted and one of His Majesty's ships has now visited both Ceuta and Melilla The reports that we have received as a result of this visit are generally of a reassuring character so far as concerns the alleged landing or preparations for landing of German troops The House may rest assured, however, that His Majesty's Government will continue carefully to watch the situation in this region, for they are closely concerned in the maintenance of the position in the Spanish zone as laid down by the treaties now in force I have thought it right to give the House a full statement of the position on this subject in view of the reports which have appeared in the Press and in view of our special interests in the area concerned [*Interruption*] I have not studied the reports

They have just come in. I have given the House the information that I have

There is one other event during the Recess with which I wish to deal, namely, the joint declaration of His Majesty's Government and the Italian Government in reference to the Mediterranean and the exchange of letters that accompanied it. It is well to recall the origin of this declaration. It would be idle to deny that the course of the Abyssinian conflict left behind it a certain embitterment of relations between this country and Italy. We here know perfectly well that the action that we took in the Abyssinian dispute was not taken from an Imperialist motive. Whether hon. Members think we took too little or too much, there is no doubt anywhere as to our motive. We took that action, as we thought we should, in fulfilment of our obligations under the Covenant of the League of Nations. We must, none the less, realize that that view has never been wholly understood in Italy. In any event, the prominent part that our Government took in this dispute had a serious effect on Anglo-Italian relations. In these conditions the House will perhaps recall that Signor Mussolini made a speech at Milan in which he referred to the interests of our two countries in the Mediterranean. We did not ourselves wholly agree with the definition given by the head of the Italian Government of our interests and the House will perhaps recall that in November last I sought, on behalf of the Government, more clearly to define those interests. May I repeat what I said

For us the Mediterranean is not a short cut but a main arterial road. Freedom of communication in these waters is . . . a vital interest, in the full sense of the word, to the British Commonwealth of Nations.

Subsequent to that, a series of statements were made in both countries, one by the Prime Minister, which indicated a desire to improve relations. To do this it was decided to attempt to seek agreement upon a joint declaration. This declaration is neither a treaty nor a pact but it marks, we hope and believe, the end of a chapter of strained relations. It marks no departure in

policy by His Majesty's Government. It neither calls for nor embodies any concession from us, neither of course does it involve any modification of any one of our existing friendships. But that this declaration has been of service to an appeasement in the Mediterranean there can be no manner of doubt. If hon. Members want evidence of that, I do not ask them to take the view of the Government but to take the view of the nations in the Mediterranean and, if they will observe the situation there, they will find not only that the French Foreign Minister himself warmly welcomed the declaration on the very day it was announced in a statement to the Press, but that since then similar welcomes have been given by a number of Mediterranean States with whom we have particularly friendly relations. I refer to Turkey, Yugoslavia, and Greece. In accordance with our Treaty obligations, the Egyptian Government also were kept fully informed and looked with favour on what had been done. All that I submit at this moment—I ask for no judgement and no opinion now—is that a good standard by which to judge of this agreement is the opinion of these Mediterranean countries.

I should like to meet in advance a criticism which may perhaps be made of the relation of this declaration to events in Spain. May I remind the House again that this declaration was originally intended to clear up misconceptions which were a legacy of the immediate past? As the Spanish conflict was actually raging at the moment the negotiations were proceeding, and a number of disquieting reports had reached us about the Balearic Islands, we thought it right to make use of this opportunity to clarify the attitude of both our Governments towards the integrity of Spanish territory. While, therefore, the text of the actual declaration completely covers Spain in itself, we thought it desirable to emphasize this fact in an exchange of notes in which the Italian Foreign Secretary, on behalf of the Italian Government, states that so far as Italy is concerned the integrity of the territory of Spain shall in all circumstances remain intact and unmodified.

MR BELLENGER. A scrap of paper!

MR EDEN If I had not got it the hon Member would be the first to complain. It might be suggested that while we were discussing these matters the opportunity should have been taken to deal with non-intervention in Spain. In reply to that I say that this matter of non-intervention in Spain was much more than an issue between England and Italy. It was an issue that was then being dealt with by a considerable number of Powers. To have attempted by ourselves to secure a solution of the problem would not only, I am convinced, not have achieved results, but might very well have further complicated an already sufficiently complicated situation.

I should like now to say a few words on the general international situation. I crave the attention of the House because what I have to say is perhaps of rather more gravity than what is ordinarily said by a Foreign Secretary in the course of a Debate. I am leaving to-morrow for Geneva to attend one of the three regular meetings of the Council. We shall there be confronted with a formidable agenda, which is in itself an indication of the important part, whatever its critics may say, that the League plays in international affairs. It will be our objective to try to emphasize and widen that part. But before leaving for that session there are certain remarks that I want to address to the House. In recent speeches I have endeavoured, both in the House and in the country, to outline the objectives of our foreign policy at this time and the means by which those objectives might be realized. I am not going to attempt to repeat those speeches, yet in the first speech made in the New Year there are certain factors that we have to face. His Majesty's Government are at present engaged in the active prosecution of the re-equipment of their three fighting Services. Though we are convinced that this is an indispensable means to our objective, it is not our objective. This remains, as I have previously stated, the negotiation of a European settlement and the strengthening of the authority of the League of Nations. We are prepared to co-operate in the common work of political appeasement and economic

co-operation If this work is to succeed, it needs the collaboration of all and, if that collaboration is forthcoming, there cannot be any doubt in the mind of any one in this House or elsewhere that we can create a better, saner, and more prosperous Europe in a world at peace

How is that to be done? Not only must the world reduce its expenditure on armaments, because it is already lowering its standard of life, but it has to learn the ways of economic co-operation so that the standard of life can be raised Let us never forget that our objective in this country must be the prosperity of all, by which I mean the raising of the standard of life in the countries in which it is to-day low as well as its further improvement where it is to-day comparatively high We are willing to help towards a further advance along the line of increased economic opportunity, but this should be in our view on one condition Economic collaboration and political appeasement must go hand in hand If economic and financial accommodation merely result in more armaments and more political disturbance, the cause of peace will be hindered rather than helped On the other hand, a new and freer economic and financial collaboration based upon solid and well-conceived political undertakings will be a powerful aid towards the establishment of a unity of purpose in Europe Ultimately, and fundamentally, the objects of all honest political endeavour, in whatever country, must be the raising of the standard of life We know well enough from the resources of science to-day that that can be done if it is undertaken in an atmosphere of peace and mutual confidence In engaging upon this task there are certain things which we do not accept We do not accept that the alternative for Europe lies between dictatorship of the Right and the Left We do not accept—and let me make this quite clear—that democracies are the breeding ground of Communism We regard them rather as its antidote We are not content to see Europe arming feverishly under the contending standards of rival ideologies. There is a better way. We know it, and we wish to enter upon it.

And so I must close this review with a few words about Germany. The future of Germany and the part she is to play in Europe is to-day the main preoccupation of all Europe. Here is a great nation of 65,000,000 people in the very centre of our Continent which has exalted race and nationalism into a creed which is practised with the same fervour as it is preached. All the world is asking at this present time whither these doctrines are to lead Germany, whither they are to lead all of us? Are they to restore to her the position of a great Power in the centre of Europe enjoying the respect of other Powers, both great and small, and using the manifold gifts of her people to restore confidence and prosperity to a world heartily sick of feuds and antagonisms and ardently desiring a return to normal conditions of work and partnership? Or are they to lead her to a sharpening of national antagonisms and to a policy of even greater economic isolation? Europe is to-day seriously asking herself what are the answers to these questions, for Europe cannot go on drifting to a more and more uncertain future. She cannot be torn between acute national rivalries and violently opposed ideologies, and hope to survive, without bearing scars which will last for a generation. Germany has it in her power to influence a choice which will decide not only her fate, but that of Europe. If she chooses co-operation with other nations, full and equal co-operation, there is nobody in this country who will not assist wholeheartedly to remove misunderstandings and to make the way smooth for peace and prosperity.

But it is idle to imagine that we can cure the evils from which we are suffering by mere palliatives, no mere local remedies will suffice. There must be no reserves or evasions on the part of any nation—whatever its ideology, and whatever form of government it prefers itself—in co-operating with others and abandoning any form of interference in the affairs of others. We cannot cure the world by pacts or treaties. We cannot cure it by political creeds no matter what they be. We cannot cure it by speeches, however lofty and peace-breathing they may be. There

must be the will to co-operate, which is unmistakable. That will can manifest itself in certain very definite ways —by abandoning the doctrine of national exclusiveness and accepting every European State as a potential partner in a general settlement, by bringing armaments down to a level sufficient for the essential needs of defence and no more, and by accepting such international machinery for the settlement of disputes as will make the League of Nations a benefit to all and a servitude to none.

These things must be stated clearly at this time at the beginning of a new year. We ourselves have no greater desire than to co-operate fully with others, and herein we make no exceptions. We shall respond fully to the same desire, wherever it manifests itself, and we shall work for the greatest possible solidarity in the belief that, in their hearts, that is what the vast majority of people in every nation ardently desire.

#### *5. The Observation of the Spanish Frontiers by Land and Sea*

##### *Resolution adopted by the Committee for the Application of the Agreement regarding Non-Intervention in Spain*

THE Governments represented on the International Committee for the application of the Agreement regarding Non-Intervention in Spain having approved the resolution passed on the 16th February, 1937, by the Committee to the effect that the Agreement should be extended as from midnight the 20th to 21st February, 1937, to cover the recruitment in, the transit through, or the departure from, their respective countries of persons of non-Spanish nationality proposing to proceed to Spain, Spanish Possessions, or the Spanish Zone of Morocco for the purpose of taking part in the present conflict, and

(2) Having deemed it expedient to establish a system of observation round the frontiers of Spain, the Spanish Possessions, and the Spanish Zone of Morocco for the

purpose of ascertaining whether the Agreement is being observed, and

(3) His Majesty's Government in the United Kingdom having accepted an invitation by the Portuguese Government to observe the carrying out of the Agreement in Portugal, and for this purpose to appoint British observers to be attached to His Majesty's Embassy in Lisbon, and

(4) His Majesty's Government in the United Kingdom having informed the Committee that they are satisfied that the agreement reached between them and the Portuguese Government as a result of this invitation is fully adequate from every point of view to enable His Majesty's Government to discharge the responsibilities which they have agreed to assume, and that they will communicate to the International Committee any information which may be reported to them by His Majesty's Ambassador at Lisbon regarding infringements of the Non-Intervention Agreement, and

(5) the Committee being fully confident in the discharge by His Majesty's Government in the United Kingdom of these responsibilities in regard to the Portuguese frontiers, in collaboration with the Portuguese Government, agrees on behalf of the Governments represented thereon, that the system of observation on the Franco-Spanish frontier, the frontier between Spain and Gibraltar, and the maritime frontiers of Spain, the Spanish Possessions, and the Spanish Zone in Morocco, shall be carried out in the manner indicated in the Annex attached hereto unless otherwise amended or determined

## ANNEX

### I *The Organization of the System of Observation*

#### *Establishment of the 'International Board for Non-Intervention in Spain'*

1 The system of observation will be administered on behalf of the participating Governments by a Board to be known as the 'International Board for Non-Intervention in Spain', and hereinafter referred to as the Board, consisting of a Chairman to be appointed by the International Committee,



and of five members nominated by the Representatives of the Governments of the United Kingdom, France, Germany, Italy, and the U S S R

*The functions of the Board*

2 The Board will have power to decide all questions relating to the administration of the scheme, but it will be the duty of the Board to submit all matters raising questions of principle to the International Committee for decision by that body on behalf of the participating Governments

*The duties and rights of officers commanding vessels taking part in the scheme*

37 The Governments which are parties to the Non-Intervention Agreement will take such steps as are necessary to confer upon the officers in command of the naval vessels engaged in naval observation the right, within the area laid down in paragraph 32 above

- (a) To verify the identity of any ship, having the right to fly the flag of any of the participating countries that may be thought to be proceeding towards any port in Spain or in the Spanish Dependencies, and for this purpose, when necessary, to order such ships to stop, to board them and to examine their certificates of registry and clearance documents, and to ascertain whether there are Observing Officers on board,
- (b) to ascertain whether the ship has called at one of the Observation Ports enumerated in paragraph 12 above, and has taken on board Observing Officers, or has been furnished with a document by the Administrator or Deputy Administrator in charge of an Observation Port, certifying that the vessel had called at the port in accordance with paragraph 20 (c) above,
- (c) if and when a special plan has been submitted to, and approved by, the International Committee, to establish focal areas in the approaches to each zone, and to require all ships having the right to fly the flag of any of the participating countries to pass through the areas so established, when entering the zone

38 No right of search will be accorded to the naval vessels engaged in naval observation, but whenever a ship fails to comply with the instructions of a naval vessel engaged in naval observation, given in accordance with the provisions laid down in paragraph 37 above, or whenever the officer in command of a naval vessel ascertains that the master of a ship has not complied with the procedure laid down in paragraph 12 above, or has improperly flown the special pennant referred to in paragraph 33 above, he will draw the attention of the master to his obligations under the Non-Intervention Agreement to which the Government of his country is a party, and will point out that he would therefore be committing an offence against the laws of his own country unless he submits to observation before reaching a Spanish port. Non-compliance by a particular ship with the procedure here laid down will be regarded as *prima facie* evidence that the ship has committed a breach of the Non-Intervention Agreement, and will entail the consequences indicated in paragraph 39 below

39 In the circumstances outlined in paragraph 38 above, the officer in command of the naval vessels will submit a report to his Government, so that that Government may report the matter both to the International Committee and to the Government of the country to which the vessel in question belongs, in order that legal proceedings can be taken in the courts of that country. Any necessary evidence of the officers or crew of the naval vessel or of the Administrators and Deputy Administrators or their subordinate staff will, wherever possible, be taken upon commission in the method prescribed in the country concerned, in order to avoid the necessity of these witnesses having to proceed to the country in which the trial takes place.

*Reports to be submitted by participating Governments in certain cases*

40 In the event of the master of any ship having the right to fly the flag of any of the countries which are

parties to the Non-Intervention Agreement, being detected by a naval vessel engaged in naval observation, while attempting to commit a breach of the Non-Intervention Agreement in the manner indicated in paragraph 39 above, the Government of the country in which the ship so detected is registered will submit a full report to the International Committee regarding the circumstances of the case and, later, regarding the legal or other penalties inflicted upon the owner or master of the ship in question as the case may be

6. *The 'Bilbao Blockade' House of Commons  
Debate, April 14, 1937*

MR ATTLEE I beg to move,

'That this House, taking note of the statement of the Prime Minister on the situation at Bilbao, deploras the failure of His Majesty's Government to give protection to British merchant ships on their lawful occasions.'

We are moving this Motion because of the action of the Government in warning British ships that they should not enter the port of Bilbao, and that if they do so the Government cannot protect them. We hold that this action is a surrender of the rights which this country has always maintained on behalf of our shipping, and is an acquiescence in a grave breach of international law. Let the House consider what are the facts of the situation. The Government in control at Bilbao and of the territorial waters around Bilbao is part of the constitutional Government of Spain, and that Government has all the rights of a sovereign State. Those rights we have always maintained. His Majesty's Government, in agreement with other Powers, have taken upon themselves, in the interest, they say, of maintaining peace, to shorten and abrogate those rights by the Non-Intervention Agreement, and in pursuance of that Agreement they have forbidden our nationals to take arms and munitions to Spain. They are now considering putting into force a special organization to enforce that prohibition. They

have also declared against sending volunteers to Spain, but they have not forbidden the nationals of this country or the masters of British ships to take food for the women and children of Spain. They have not forbidden us to trade with Spain, and our ships are free to go to any Spanish port to trade, provided they are not carrying munitions or volunteers.

On the other hand, what are the forces of General Franco? Those forces have no status whatever in international law. They are rebels against the government of their country. We have not recognized them as belligerents. They have no rights as belligerents, and I trust that they will never be given any rights as belligerents. The Prime Minister said on Monday that the Government cannot recognize or concede belligerent rights. Even if they were belligerents, no blockade of Bilbao has been declared. To declare a blockade there must be a formal declaration and prize courts must be set up, before which ships infringing the blockade may be brought. If a blockade has been declared, it must be effective, and, even if the blockade is effective, there is no right whatever in international law to sink neutral ships at sight. I understand that is the position in international law. What happened? A British ship on its lawful business was turned back by a rebel ship to St. Jean de Luz.

On Sunday the Cabinet met, the British Government met, the Government of the greatest maritime country in the world, the Government of the country which keeps a great Fleet for the express purpose of protecting British shipping. The issue, as I see it, was simple. British ships proceeding on their lawful occasions had been turned back by rebels. Are we to protect them? Or are we to acquiesce? There is no question of starting a world war; there is no question of trouble with a great foreign Power. The threat comes from the rebels, whose principal land forces are on the run—rebels who have no great naval strength. That is the position. The Prime Minister comes down to the House and makes a firm declaration that we cannot tolerate any interference with British shipping at

sea The White Ensign is hoisted and then the White Flag is run up British ships are warned that the Government cannot protect them They are to all intents and purposes told that they must not go to Bilbao General Franco may not be able to make an effective blockade, but the British Government will oblige him by doing so

That is a very friendly action to General Franco, and it is interesting to see what his response is General Franco promptly sends out by radio a message that any British ship found in Spanish territorial waters will be seized or sunk That does not seem to have provoked any response at all from the British Government But the action of the British Government has provoked a very wide reaction throughout the world There was widespread amazement that this country should step down from the position that it has always taken with regard to the right of vessels at sea, and there is widespread suspicion that the British Government which is prepared to take action of that kind must be backing General Franco The Prime Minister gave his reasons The reasons were, fear of aircraft and fear of mines We are apparently to acquiesce in the laying of mines before a port of the Government of Spain This country has always protested against the indiscriminate laying of mines to the danger of neutral shipping. We have always asserted the principle of international law that it is forbidden to lay mines, whether within or without territorial waters

The question is, on what evidence are the Government acting as to the laying of mines? It is curious that the Prime Minister seems to have such very precise information on the point, because the Government never know anything about the Spanish situation. If I had suggested in the early part of the week that General Franco was recklessly laying mines that might destroy neutral shipping, the Under-Secretary of State would have told me that I must not believe everything I see in the Press I want to know, I want to have a clear answer? What is the information that the Government have and what is the source of that information? Does it come from the a

curious people, our own consular agents, who seem so silent on the question of Italian troops landing? Does it come from British ships? We can never get any information when the Foreign Secretary answers questions in this House, the Government always knows nothing. But on this point they seem to know all about it, they tell us what really happened, they say that Bilbao is in close proximity to the war zone, and there is a constant risk to shipping from the bombing of aircraft, and that the laying of mines by both sides in the approaches to Bilbao is now a grave risk to any ship seeking to enter the harbour unless mine sweeping is first carried out in Spanish territorial waters.

I hope that whoever replies for the Government will tell us when the state of affairs began and how long it has continued, because I have a statement here that is in entire contradiction. I propose to read it to the House. It comes from Senor Jose Antonio de Aquirre, who is the President of the Basque Republic, part of the Spanish Republic. He makes some very categorical statements. I hope that whoever replies for the Government will not evade these questions but will answer them, and will give us chapter and verse if these statements are denied. This is the statement:

The Basque Government, fighting for democracy and Basque liberty—

I suppose that even the friends of Fascism below the Gangway opposite will not suggest that the Catholic Basques are Red Communists—

is compelled to draw your attention to the following facts of interest in the forthcoming Debate in the House of Commons: No foreign or Spanish ship has ever been detained or fired upon in Basque territorial waters.

If that is wrong, perhaps the right hon. Gentleman will give us the names of the ships that have been fired upon.

There are no mines laid either by the enemies or by us in the entrance or exit of the Port of Bilbao. In the first fortnight of April there have been 26 inward, including six British, and 32 outward sailings in the Port of Bilbao,

including six British, all without molestation or difficulty in our territorial waters

I have here a list of those ships and a list of the Spanish ships. There are 19 of them, mostly coastal vessels coming from Santander, and here are the names of the British vessels *Blackhill*, *Oakgrove*, *Mostyn*, *Thorpehall*, *Brinckburn*, and *Olavus*

Every night armed trawlers, aided by powerful searchlights from the shore, keep watch over the Port of Bilbao. It is enough to demonstrate the efficiency of this service to state that throughout the civil war no commercial vessel has been mined in our port or territorial waters. Powerful coastal batteries keep units of the rebel fleet over 15 miles from the shore, aided by our destroyers and submarines. Even to-day, 13th April, several ships, including a British ship, the *Olavus*, have left the Port of Bilbao without molestation.

This is a port where the danger of mines is so great that ships cannot possibly move at all.

Guaranteeing, as we do, the safety of British ships within our own waters, forced to assume that if they are unwilling to enter the Port of Bilbao it is due to the inability of the British Fleet to protect them on the high seas. The Basques, therefore, appeal to your sense of justice and fair play—

they are appealing to the British nation—

to lay these facts before the House of Commons. Do not forget that Basque shipping worked for Great Britain throughout the difficult days of the Great War when the danger that existed was real. I am sure that the Basques can depend upon your right spirit of justice and friendship, to a country as ours, small but democratic and independent.

I have also seen a member of the Basque Government and questioned him, and he confirms that statement. We want to know from whence comes the British Government's information. Are they simply acting on what the insurgents have told them? Because that is a very simple way, it is what is called blockade on the cheap. Any country has only to inform the British Government that it proposes to sow a few mines and the British Fleet will go

down and do the blockading for them. I want to know when this information came. Suppose that it is really true, what is the danger and what is the way to meet it? Obviously if the Basque Government are laying these mines they know the way in and out. I do not suppose that the British Government suggest that the Basques are laying mines in order to stop neutral ships coming in with food. Therefore, I never quite saw the point of saying that mines were being laid by both sides, unless it was to suggest that the Basque Government, who are in urgent need of supplies, were sowing the seas with mines everywhere, without knowing where they were.

Can nothing be done? Must we acquiesce? Norway apparently can act, Norway is sending a mine-sweeper. Why cannot we send one? Our warships have paravanes. Could they not protect our vessels? Is it suggested that they could not go because they could not enter territorial waters? Has any suggestion been made to the Basque Government? I wonder whether the British Government would take just this attitude if these things were done by any one else but General Franco. Remember these things have happened before. Let me refer the House to the case of the *Huascar*, the Peruvian ironclad, in 1877. There you had the revolt of a Peruvian vessel against the Peruvian Government, and it seized a British ship and took coal from it. It was engaged by vessels of the British Fleet. It was so close to the Peruvian coast that the British ships had to withhold fire for fear of hitting the Peruvian town of Ylo. Failing to sink the *Huascar*, the British admiral dispatched a torpedo boat to attack the *Huascar* when she was actually inside the Peruvian port of Iquique. It was only the surrender of the *Huascar* which prevented actual firing right up close to the coast.

The Government of that day thought it was perfectly right in protecting a British vessel, even within territorial waters. There are other precedents even later than that. The German steamer *Kamerun* was stopped on the high seas by the Spanish Government and the German Government instructed their commander to use force if necessary.



I suppose that the British Government would have instructed the ship to go to St Jean de Luz. Would the British Government have stood this action if it had been done by the Spanish Government? What is the explanation? Are the Government pro-Franco? We must remember that the First Lord of the Admiralty is the man who trailed the honour of this country in the dust over Abyssinia. The action taken now seems to be very remarkable. We have sent the *Hood* there. What for? I never quite know why we keep a Navy to-day, and if so why send it anywhere. Why does the First Lord send the *Hood* there? Is it because it flies the flag? If so, which flag?

The fact is that affairs in Spain are in a critical position. To support Franco—and the right hon Gentleman's answer was nothing but support for Franco—is to encourage Signor Mussolini in his aggression. I think that Signor Mussolini is doubtful as to whether he should not cut his losses and get out. There is the possibility of having volunteers withdrawn on both sides, and if they were so withdrawn, the civil war would end very soon. Consequently, the right hon Gentleman's policy is to try to get the volunteers on both sides withdrawn as soon as possible. The results of the Government's action, however, will be to encourage interference. The British Government are always on the side of the advocates of force and always against international law.

The position is that this brave people, the Basques, who are old friends of ours, are fighting for their liberty. The Prime Minister talks a great deal about the great fight that is going on for democracy. In this fight, what is he doing on behalf of democracy? In that conflict of rival 'isms which is dividing up the world, no one suggests that the Basques stand for Communism, but everybody knows what General Franco stands for. The Basques stand for democracy. The land attack of General Franco is failing in that area, and his hopes depend on starving the women and children—and the British Government are going to help. I wonder whether hon Members are proud of the record of the Government. The Government pledged

themselves to help the Abyssinians, but they left them to be massacred. It is now openly confessed and boasted by the chief agent, General De Bono, that the whole of the attack on Abyssinia was planned long before it was carried out. The conquest of the liberties of the Spanish people was planned long before Franco's revolt. There is plenty of evidence of the intrigues of the Fascist Powers.

Are we going to sit by and help in the murder of another free people? Are we going to help by the same modern and up-to-date method, the killing of women and children—in one case by poison gas and in another case by starvation? The Government have no right to put British sailors under this humiliation. They are asking British sailors to stand by and watch while men, women, and children are starved to death, with the Government preventing those who would go to help them. We move this Motion because we feel that this action of the Government is worthy of the greatest condemnation by the House, with all its traditions of liberty.

SIR A. SINCLAIR. The right hon. Gentleman issued a challenge to those who sit on this side of the House. I can only answer for myself and my friends. But he said that the right hon. Gentleman who spoke first did not make his position clear, and he asked: Do we accept or reject the principle of non-intervention—'to refrain from all interference direct or indirect in the internal affairs of Spain?' I answer that challenge directly. I have stood for the principle of non-intervention all along in this dispute, and I make that my point of departure in the observations which I have to offer to the House this afternoon. I am an impenitent supporter of the policy of non-intervention. More than that, I am a patient supporter. I have realized all along the difficulties of the Secretary of State for Foreign Affairs. I never expected that this policy could be made thoroughly effective all round within the space of two or three weeks. Indeed, after the Non-Intervention Agreement was signed on 28th August I waited, not two or three weeks but months before I uttered a word of complaint. At last on 20th February we got the agreement

for the prohibition of volunteers going to Spain, and the agreement to the observation scheme. That observation scheme was to come into operation on 6th March. It was postponed to 13th March, then to some date at the end of March and then to a fortnight after that. Now we are told that it is to come into operation some time next week.

We have waited seven or eight months for non-intervention to be made a reality, and as recently as three weeks ago Italian troops, we are told, were landing in Spain. The policy of non-intervention has not yet stopped Italian and German intervention in Spain. It has completely stopped any interference on the part of France or Britain in Spanish affairs, but it has not yet stopped continued interference by Italy and Germany, yet it has involved the withdrawal by France and this country of the rights which belong to the Spanish Government of purchasing in those countries the military supplies which they require to carry on their struggle. I think it was right in all the circumstances to withdraw those rights. I am not blaming the Government for doing it, but I say we have called upon the Spanish Government to pay that price for non-intervention, and in fact have not yet succeeded in making non-intervention effective.

Now what is the next step that is being taken? Is it action to make non-intervention effective as against Germany and Italy? Not at all. It is a further encroachment on the rights of the Basque Government. They are now not only to be prevented from buying arms and munitions, and from getting recruits to fight in their armies, but they are to be denied their rights to get delivery of the food-stuffs for which they have paid, and which they require for their civilian population.

This is not non-intervention. It is not refraining, as the right hon. Gentleman said was the policy of the Government, from direct or indirect interference in the internal affairs of Spain. If we were to refrain from direct or indirect interference in the situation which has arisen in the Basque country we should allow the Basque people

to receive the goods which they have bought, which they have a right to receive in British ships, and which they need for the feeding of their civilian population. If we deny that right, then, indeed, we are interfering in the rebellion in Spain. If we accord that right, we are doing only what is legitimate. The action of the Government in advising ships not to go to Bilbao is, in fact, intervention in the internal affairs of Spain. The right hon. Gentleman justifies that on the ground that the entrance to the harbour of Bilbao is blocked with mines, and is exposed to attack from the air. [An HON. MEMBER 'So was Zeebrugge'] In regard to the aircraft, Bilbao is twenty miles from the front line, and General Mola's aircraft are very fully occupied with military objectives, therefore, to represent the harbour of Bilbao as being under a ceaseless hail of bombs is a ludicrous distortion of the real picture.

I come to the question of mines. The right hon. Gentleman has told us that information about the mines has been received by the commander of the *Blanche*. Did this officer visit Bilbao? How did he get his information? Did his information refer to the water within the three-mile limit or to the high seas? Does he mean that there are mines beyond the three-mile limit or inside the three-mile limit? The right hon. Gentleman further told us that the commander of the *Blanche* issued this order to the food ships. 'Ships are not to go into any port in the hands of the Spanish Government on the north coast of Spain.' It was only to ports in the hands of the Spanish Government on the north coast of Spain that they were forbidden to go.

VICE-ADMIRAL TAYLOR. Is the right hon. Gentleman criticizing the action taken by the captain of the *Blanche*? [An HON. MEMBER 'Why not?'] If he is doing so, I suggest that the right hon. Gentleman is putting to the House the point that the captain of the *Blanche* was taking sides in this dispute in favour of General Franco.

SIR A. SINCLAIR. I am criticizing this order. The captain of the *Blanche* is a servant of the Government, and the Government will no doubt defend the order. It will

be for the Secretary of State for Foreign Affairs to defend it. I am not attacking the man, but I am asking what the order meant. For all I know, his order was in accordance with instructions he received. I am only quoting the order. It will be in accordance with instructions he received from the Government. He may have consulted the Government before he issued the order to the food ships. I am entitled, as a Member of this House, to criticize an order which is given, and if my criticism is unfounded it will be dealt with by the Secretary of State for Foreign Affairs when he replies, and I do criticize it. The right hon. Gentleman told us that there is a report giving in some detail the position of the mines. I would like to know what that report is. It is, of course, impossible for the Home Secretary to go into the full details of a report covering some scores of miles of coast, but may we see that report? Can it be lodged, so that we can see what information it actually was that the commander of the *Blanche* obtained?

Now we come to the instruction given by the Board of Trade, which superseded the order of the commander of the *Blanche*. The instruction of the Board of Trade was that His Majesty's Government did not want British ships to proceed to ports in Basque territory, but to remain at St. Jean de Luz and to await further instructions. Have the ships had those further instructions yet? If they have had them, will the right hon. Gentleman tell us what further instructions were sent to those ships? Meanwhile, I want to have very particularly from the right hon. Gentleman when he replies an answer to these questions. Is protection on the high seas withdrawn from those ships, or are those ships to be protected if they go to Bilbao? Suppose, in spite of the Board of Trade's instruction, the ships decide that they will take the risk and that they will carry their foodstuffs to Bilbao, will they be escorted and protected up to the three-mile limit? Will those ships then have to take the risk of the mines? If there are mines on the high seas, will those mines be swept up, or are we to be told that sweeping up mines in

the path of peaceful ships on the high seas is intervention in the internal affairs of Spain? I hope that the right hon. Gentleman will give clear answers to my questions

We were told by the Prime Minister that His Majesty's Government do not recognize the blockade of the Basque coast; so far as British shipping is concerned the Government have instituted a blockade. They say 'We will not tolerate any interference by General Franco with British ships which are trying to get to ports of the Spanish Government', and they prevent any interference with those ships by preventing the ships from going anywhere near the ports

The right hon. Gentleman who spoke from the Front Opposition Bench referred to the *Kamerun* case, there was also the *Palos*, in December, the German ship which was carrying arms, which was captured by the Basque Government and taken into Bilbao. It was captured inside territorial waters and found to be carrying arms. The German Government sent a cruiser, which turned its guns upon Bilbao. The Basque Government kept the arms and they kept as prisoner a Spanish passenger who was on board. He was alleged to be a spy. They returned the *Palos* to the German Government. The German Government were not satisfied. They shelled one Spanish cargo ship till it ran aground, they captured two other Spanish ships and they handed them over bag and baggage to the insurgent forces. That was the answer of the German Government to interference with their shipping and, as we know, interference with their shipping ceased. Cannot we secure as much freedom for our ships—[*Interruption*] [AN HON. MEMBER 'War'] 'War', says an hon. Gentleman, but that applied as well to the German Government. We do not accept that, we have only to do what the German Government are willing to do, and that is to secure a peaceful passage for our ships.

MR THORNE. The Navy dares not

SIR A SINCLAIR. I do not say that the Navy does not dare, but that the Government dare not use the Navy. The Secretary of State for Foreign Affairs said in his

speech that the one reason why he attached so much importance to the policy of non-intervention was the co-operation of the French Government. He said 'We are, in common with M. Blum, upholding a policy of non-intervention.' Is this action being taken in common with M. Blum? Have the French Government been consulted? The Paris correspondent of the *Manchester Guardian*—[HON. MEMBERS 'Oh!'] As a matter of fact, on matters of French Government policy and on the views and intentions of the French Government there are few correspondents as well informed as the Paris correspondent of the *Manchester Guardian*. No one can possibly contradict that.

MR. DENVILLE: What about their Spanish attitude?

SIR A. SINCLAIR: It is not a question of views but of news. Their correspondent is in Paris to get news, and it is not unnatural that the Paris correspondent of that newspaper should be in a position to get news about the attitude of the French Government. The Paris correspondent of the *Manchester Guardian* says that the decision of His Majesty's Government has created a feeling bordering on consternation in French Government circles. On the other hand, the Germans and Italians are jubilant. They hail it as a clear sign of weakness. Senator Farinacci, who is a member of the Grand Council of the Fascist party in Italy and one of the leading statesmen of Italy at the present time, declares

The British Government met urgently, with the intention of raising a loud voice against whoever dares to impose any limitation on the Union Jack. Instead, they had to admit that Britain could not defend her own craft in Spanish waters.

That is the impression which has been made upon Italy. This is Abyssinia all over again, retreating step by step in the face of the threats of the dictators.

Speaking at Leicester last Saturday, the Foreign Secretary said that we need not fear the result of this war, that if General Franco won with his Italian and German allies, the Spanish people would turn the invaders out. He said that there were 24,000,000 reasons why Italian and

German domination would never be allowed in Spain. So, after the civil war, we are to witness a war lasting, I suppose, another two or three years, to turn the German and Italian invaders out of Spain. That will take a little time. After all, it is not a case of the whole of the Spanish people being reunited after this war. If General Franco wins, he will be very grateful to his Italian and German allies, and he will be very much under their influence—I use a moderate word—for several years, for those very years which, Signor Mussolini said in a famous speech, would be critical years in the future of European history, from 1935 to 1940. During those years, if Italy is in occupation of the Balearic Islands, as she is now of two of them, as well as of territory opposite the straits of Bab-el-Mandeb, in the Red Sea to the east of the Mediterranean, that will be a very serious position for the British Empire, and for those countries who are loyal to the League of Nations.

General Franco is so delighted and encouraged by the Government's action, that, as the Leader of the Opposition pointed out, his response is to sow mines round 810 miles of the Spanish coast. I ask the right hon. Gentleman to make it clear whether, before he embarked upon a policy which might have fateful results, not only in the struggle now proceeding in Spain but in the still more doubtful future which lies ahead for Europe, he consulted the French Government to secure that co-operation to which the Home Secretary attached such importance in his opening speech.

The Government's decision is going to be critical for this struggle in Spain. *The Times* says to-day that for four months Bilbao has been within a month of real famine. There is an influx of refugees from Durango, which has been so horribly bombed, there are 400,000 people crowded into the town of Bilbao, and the average amount of rations given to each inhabitant, including nursing mothers, is valued at 2d a day by *The Times* correspondent in Bilbao. 'Seagulls', he says 'are regarded as a delicacy'. The price of cats is soaring. Negotiations are apparently being undertaken for the transport of some of



these refugees by sea to safety 'Meanwhile', he says, 'they require food' Why cannot they have this food? Vessels carrying iron ore are moving to and fro, fifty-eight ships, as we have heard from the telegram which the Leader of the Opposition read out, have passed to and fro in the last fortnight Within the last day or two some ships, including the *Olavus*, have passed out of Bilbao, since this report was made by the commander of the *Blanche* Why cannot these food ships be allowed in to convey the food which the hungry civilian population of Bilbao so greatly need?

The Foreign Secretary made one very remarkable revelation to-day He said that for two months these mines had been outside Bilbao For two months this shipping has been going to and fro without molestation, without the loss of a single commercial vessel It is true that it is unsafe for warships to go, because their draught is so much greater, but the Foreign Office itself, only a week or ten days ago, advised my hon Friend the Member for West Cumberland (Mr W Roberts), who wanted to get a ship with some supplies for refugees into Bilbao, that those supplies could not be sent in a destroyer because of mines, but they told him to send them in a commercial ship, and it would be all right Why cannot these commercial ships go with the food that is so urgently needed? General Mola is attacking the Basques now. He has been thrown back, his attacks have been beaten off, but he is sitting down to starve them out That is the situation, and, if he succeeds, 50,000 men will be released for fighting on other fronts What does the right hon Gentleman regard as non-intervention in those circumstances? He regards as non-intervention the act of refusing to allow the Basques to get hold of the food for which they have paid, thus greatly forwarding the designs of General Mola, which are to reduce Bilbao by starvation

The Foreign Secretary said on Monday at Liverpool, referring to the meetings of the Little Entente, that they added wisely to their communique

This spirit of conciliation is not a sign of weakness, and

all the three States are at all times ready to defend their national rights

If it is wisdom for the Little Entente to be prepared to defend their national rights—such small States, faced with powerful neighbours—surely it is also wisdom for the British Empire, faced with these Italian encroachments at both ends of the Mediterranean, to insist on the right of our ships to pass freely on the seas of the world. That is a right which we certainly ought to defend, and, if we do not defend that right against General Franco, we shall only encourage other encroachments. The right hon. Gentleman went on to say that in the Spanish conflict the Government had been guided by the principle of *live and let live*. How do they apply that to the situation in the Basque territory now? They are a brave, hardy, God-fearing race of fishermen and peasants, these Basques. They helped us in the War. They got food and raw materials through to us in Basque ships when, as the President of the Basque Government has said, the danger was real. They lost thirty ships in doing it. And now the gratitude of a cowardly Government is to stop those supplies which they need in the crisis of their fate. 'Live and let live,' says the right hon. Gentleman. As far as the Basque people are concerned, it is 'Live and let die', because that is what is going to happen to the civilian population if they do not get the food which they need to maintain life.

In conclusion, I want to put four questions to the right hon. Gentleman. The first is: What do the Government propose to do to relieve this situation? Do they propose to evacuate the civilian refugees who are now in Bilbao? *The Times* hints that they do, but, if ships can go in to evacuate the refugees, why cannot food ships go in too? My second question is: If the protest against mine-laying is ignored or rejected, will the Government then take action to ensure free passage for British ships? The fourth is: Will they escort, up to the three-mile limit, British ships which are willing to take the risk of entering the harbour? Finally, if the observation scheme is not in operation, as

the right hon Gentleman said he hoped it would be, at the beginning of next week, will the Government be prepared to co-operate with the French Government in making non-intervention a reality by the use of the French Navy and the British Navy, as the French Government have been proposing, according to *The Times* Paris correspondent—

MR EDEN No

SIR A SINCLAIR At any rate, they have discussed it. *The Times* correspondent said that it had been discussed, and they were prepared to consider the use of the French Navy and the British Navy to make non-intervention a reality. So far, intervention by Germany and Italy has been permitted, and non-intervention has resulted only in the infringement of the commercial rights of the Spanish Government

We do not ask the Government to interfere in the situation in Spain. We do not even ask the Government to restore to the Spanish Government the ordinary rights of commercial intercourse of which it has been deprived by the Non-Intervention Agreement, if all other Governments are now prepared to observe that agreement. We do not ask the Government to interfere with any other Power which is carrying on peaceful intercourse with any part of Spain, or which is observing its undertakings under the Non-Intervention Agreements of 28th August and 20th February last. But we do ask the Government to declare that intervention in Spain must stop, that the Non-Intervention Agreements must be scrupulously observed by all parties, that there must be no further encroachments upon the rights of commercial intercourse which still remain to the Spanish and Basque Governments under those agreements, and we ask them to co-operate with the French Government in any measures which may be necessary to make that declaration effective. We ask them to go one step farther. Ever since I first spoke on this subject I have begged the Government to take an early opportunity for mediation. The task of the peacemaker is proverbially hard, but our very position of

detachment imposes it upon us. If there must be intervention, let it be intervention for peace, and, in working together for peace in Spain, the nations of Europe may perhaps find a way to establish peace in the world on a more enduring foundation.

MR EDEN: The hon. Member for Derby (Mr. Noel-Baker) has certain advantages which I have not. He is a student, I believe, of international law, though I am afraid I shall have to show the House that his studies have not been altogether correctly directed. The hon. Gentleman complained that the Government's foreign policy in respect of Spain lacked luminous clarity. Listening to the hon. Gentleman many of us must have felt that the indictment which he had to present lacked luminous clarity. He explained at great length, for instance, that there were no mines anywhere near Bilbao, and as there were no mines the Basque mine-sweepers were kept busy sweeping them up. He went on to say that we were exaggerating the dangers of mines upon the high seas, and then asked whether we had sent British mine-sweepers to sweep them up. I truly believe that much of this Debate is founded upon misapprehension. I regard my right hon. Friend the Home Secretary as a master of exposition, and I hope I may be allowed to say without undue criticism that I truly believe that if hon. Members opposite had not interrupted his speech so much the hon. Gentleman who has just spoken for the Opposition would not have had to repeat questions which had already been answered. This question is far more important than the Vote of Censure, and I shall do my best in the time available to try to make plain to all sections of the House what is the Government's policy, what are our responsibilities, and how we propose to discharge them.

The hon. Gentleman said that the most effective part of the speech of the Home Secretary was that in which he spoke of the parallel between what is happening in Bilbao and what happened in the Morocco case in the autumn. I am dealing with this point only to clear up that difference, which will not affect my main argument. He said

that this was not a true parallel because there was then no blockade, but the hon Gentleman was mistaken. I have here a telegram which recorded a decision of the Spanish Government in August of last year, when the boot was on the other leg

The Ministry of State informs me that Spanish ports in the hands of the rebels, Melilla, Ceuta, the ports in the Spanish zone of Morocco, the Balearic and Canary Islands have been declared to be in the war zone and consequently it is not possible for Spanish warships to allow merchant ships—

not armed ships—

to enter those ports

I do not in the least protest against that declaration, which is a perfectly proper form of blockade, but it must blockade all ships. The parallel is much closer than the hon Gentleman thinks between what happened last year and the present position in Bilbao. For instance, a decree was issued at the same time by the Spanish Government and one sentence of it ran—

Zones of Protectorate and Influence entrusted to Spain in Morocco and on the Western Coast of Africa will be considered as war zones and, therefore, subject to blockade

That was the situation which was then, rightly or wrongly, accepted

I want to come to the main charge of this Vote of Censure. As I listened to the greater part of the Debate I felt that the main charge was not so much what we had done or had not done in this business, but that the Opposition felt that we were generally poor-spirited in our conduct in the Spanish war, that the British lion was decadent and that, in the last century, had we been faced with similar circumstances, the British Government would have adopted a very different line. All that sounds very splendid, and is no doubt extremely satisfying to an Opposition, but is it true? I want the House to consider too for a moment the position of this Spanish civil war. What did the British Government do in similar circumstances last century, when men were braver than we are to-day? The

most important internal strife of the last century, was, of course, the American Civil War. In that war we granted belligerent rights to both sides. It will have been familiar to most of us from our childhood that the granting of those belligerent rights resulted, among other things, in the famous *Alabama* case.

The Leader of the Opposition spoke earlier to-day as though the Government had given something up in this case, in that they had agreed to non-intervention, putting themselves on the same footing as the insurgents. Of course, they have not given anything up, because you can never grant belligerent rights to one side only, they must be granted to both sides if they are granted at all. The hon. Gentleman remarked that he thought that never in history had there been any question of granting belligerent rights early in a dispute. As a matter of fact, in the American Civil War we did grant belligerent rights within six weeks of the outbreak of the Civil War.

MR NOEL-BAKER. The Government themselves declared a blockade, which, as all international lawyers will agree, compels them to grant belligerent rights to both sides.

MR EDEN. We ourselves made, in point of fact, a declaration of neutrality out of which arose the granting of belligerent rights to both sides. That is what we did in the American Civil War. Of course, that does not stand alone, it is not the only example. The hon. Gentleman is probably familiar, I think, as I know something of his associations in this respect, with the Greek rebellion against Turkey in 1821-5. At that time also, belligerent rights were granted, and His Majesty's Government voices this opinion, to which I would draw the attention of the House.

The character of belligerency was not so much a principle as a fact, that a certain degree of force and consistency acquired by any mass of population engaged in war entitled that population to be treated as a belligerent, and even if this title were questionable, rendered it the interest well understood of all civilized nations so to treat them.

At that time Canning was Foreign Secretary of this

country, and Professor Phillips, in his *History of Modern Europe*, deals with this very interesting chapter of Greek independence. He says—curiously enough—

As in the affairs of Spain, so now his [Canning's] attitude was frankly based upon the interest of England. The interests of England, in his opinion, demanded peace. The recognition of the belligerent character of the Greeks was necessitated by the impossibility of treating as pirates a population of a million souls, and of bringing within the bounds of civilized war a contest which had been marked at the outset, on both sides, by disgusting barbarities.

Those were both cases in which belligerent rights were granted. A third, and perhaps, in a way, even more remarkable case, was the revolt of the Spanish American Colonies against the Spanish Government, from which resulted the establishment of the South American independent Republics as we know them to-day. In that dispute we recognized the rights of the belligerent colonies long before we recognized them in any other way, and, when I heard the right hon. Gentleman below the Gangway speaking earlier this afternoon, I bethought me that he might well have remembered the enthusiasm shown by the Liberal party of that day for those new States across the Atlantic to whom we accorded belligerent rights, though they were rebels against their own mother country.

What I wish to deduce from these three examples is that the natural thing, when a struggle has reached the large dimensions of the present war in Spain, would have been to recognize its belligerent character, and for States whose maritime interests are involved, as ours are, to grant belligerent rights to both sides. That would have been the natural thing to do. Recognition of belligerency is, of course, quite distinct from recognizing any one to whom you give that right as being the legitimate Government of the country. It has nothing to do with it. It is a conception simply concerned with granting rights of belligerency which are of convenience to the donor as much as they are to the recipients. I will not go into the reasons,

but for a variety of reasons in the present dispute we are not granting belligerent rights. What I want the House to appreciate is that, if we had followed the precedents which I have given, above all the precedent of the American civil war, and granted belligerent rights to both sides, both sides would have had a perfect right to stop British ships engaged in attempting to break the blockade, and would have been entitled to do it even on the high seas, and the British ships concerned could not have expected and would not in those circumstances have been entitled to assistance from His Majesty's Navy. I repeat that that was the position during the American civil war and in the other instances that I have mentioned.

What would the Opposition have said if we had acted in this dispute as we acted in the American Civil War? Would they not have said, could they have found the necessary vocabulary, that we were far more cowardly even than they allege we are to-day, and would they not also have said that we were affording the insurgents far more assistance than they allege we are doing to-day? The Leader of the Opposition said we had given up rights which had never been given up before. That is not true. If we had granted belligerent rights, we should have granted to General Franco and to the Spanish Government, rights far in excess of anything that they enjoy at present.

MR ATTLEE: You are acquiescing in the sinking of British ships by mines without any warning.

MR EDEN: On this occasion the Government have not gone as far in granting rights to the two parties as they did in the American Civil War. What we have done on the other side is to lay down quite firmly certain principles of non-intervention.

I should like to reply to one or two remarks made by the right hon. Baronet the Member for Caithness (Sir A. Sinclair). He made a powerful indictment of the Government but, as I listened to his eloquence, I found it more and more difficult to understand wherein lay the divergence between his point of view and that of the Government. I will seek to meet the points that he made



but, frankly, I do not know in what he disagrees with our present position. He did not ask us about warships in Spanish territorial waters. The conditions at Bilbao would not be safe for warships. What he did ask—this is the same question that the hon. Gentleman put to me just now—is, would we protect British ships on the high seas up to the three-mile limit, and he gave an example which I took down. If one of our ships disregarded the warning that has been given, would it be protected if it were attacked before it reached the three-mile limit? The answer is quite definitely 'yes'. [*Interruption*] That is one of the results of the absence of non-intervention earlier in the Debate. My right hon. Friend the Home Secretary dealt with that point. If there is any doubt, I am glad to have the opportunity to make it clear.

SIR A. SINCLAIR. Even if they disobey Board of Trade instructions?

MR. EDEN. Naturally, we hope they will not disobey instructions, but if they do and they are on the high seas they are entitled to protection. At the same time, we were bound to warn British ships of the dangers which we believe exist off the Bilbao coast and which we still believe, from our reports, do exist. We cannot guarantee, in view of the conditions there, that those ships would be safe in the territorial waters around Bilbao.

It is alleged that we have been, perhaps, unnecessarily timorous in our warnings to these ships. I think the Government would have incurred a very heavy responsibility if they had not given the warning which, on our information, we believe to be justified. We have heard to-night a good deal of belittling about the bombing going on in that part of the world. Just as I was getting up to speak I received a telegram from His Majesty's Consul at Bilbao, and in the very first sentence of it he said that there had been daily bombing during the past fortnight, destroying the lines of communication and the suburbs of Bilbao on both sides of the river—aerodromes, factories, and so on. One does not want to exaggerate, but it was surely the duty of the Government to make

these facts known to British shipping. We have every reason to believe that British shipping, so far from sharing the objections of hon. Members opposite, fully appreciate and understand the action that we have taken. My right hon. Friend the President of the Board of Trade has to-night received the following telegram from the Ship-owners' Parliamentary Committee:

It is important that you should be aware that the Board of Trade has from the commencement given the industry the fullest opportunity of mutual consultation on the steps that should be taken to protect British shipping, from the points of view of British shipping trade and employment, and safety of British seamen, and it has been satisfied from time to time that the Government was doing everything in its power to that end. The industry is now considering carefully the present situation and will lay the result before the Government immediately. Grateful if you will do everything in your power to avoid danger of giving Parliament or public impression that industry is dissatisfied with what has been done hitherto.

The next question the right hon. Gentleman asked me was: What about mines outside territorial waters? He did not ask that we should go inside territorial waters and sweep up mines, but he asks what is to happen outside? That, the Government are considering. We can give no guarantee of what action we might have to take, but if it became necessary for the protection of British shipping to carry out mine-sweeping on the high seas, then His Majesty's Government are certainly prepared to consider it. That in itself is a very formidable task.

There seemed to me to be a very considerable divergence of view between the right hon. Member for Caithness and the party opposite. I have no wish to misquote the Leader of the Opposition. I may have misunderstood him, but as I understood the position of the right hon. Member for Caithness, they do not ask and have not asked us to take any action inside Spanish territorial waters. As I understand the party opposite, what they would like us to do is to sweep the approaches to Bilbao,

whether within or without Spanish territorial waters, with British mine-sweepers, under the protection of the British Fleet, and escort shipping right into the port itself. If that is what they want us to do, what I find so difficult to understand is that they should not appreciate that action of that kind must inevitably, or could easily, be regarded as intervention.

May I say one word on this very difficult question of territorial water? Spanish territorial waters are places within Spanish jurisdiction, and it can be argued—there are two if not more schools of thought among legal authorities on this question—that to take forcible action within Spanish territorial waters would amount to intervention in the struggle just as clearly as if His Majesty's Government landed troops on Spanish soil to convoy lorries to a given point. Every one who has studied this question knows how immensely complicated territorial waters questions are, but it is at least arguable that, if territorial waters are to be treated as land, the arguments that apply to intervention on land apply equally to intervention in territorial waters. At any rate, I am not seeking to say that that is the right conclusion. All that I am seeking to point out to the House is, if these arguments are valid at all, what must be our criterion? Surely the only possible criterion is whether or not certain action of ours constitutes intervention in the Spanish conflict.

The hon. Member for Derby greatly narrowed, if I may say so, the scope of non-intervention, as we understand it and as we, the French Government and ourselves, agreed to it last August. What we agreed was not merely to apply non-intervention to arms and munitions and so on. It is true that the practical application of non-intervention has been limited to a certain number of things so far, but what we jointly agreed was to avoid all complications which might prejudice good relations between the nations and to refrain strictly from all interference, direct or indirect, in the internal affairs of Spain. What I contend is that if we were to send British mine-sweepers, supported by the British Navy, into Spanish territorial waters

to rescue, by supplies, a beleaguered city, that might be argued to be intervention

SIR A. SINCLAIR: Will the right hon Gentleman be good enough to clear up one point? Am I right in interpreting the answer which he was kind enough to give to one of my questions in this sense that if the food ships which are now lying at St Jean de Luz intimate to the senior naval officer of that station that they intend, in spite of the Board of Trade's instruction, to carry their cargoes into Bilbao, they be afforded the protection of His Majesty's ships right up to the territorial limits?

MR EDEN In answering the right hon Gentleman, I will be quite frank Our hope is that they will not go, because in view of our reports of the conditions, we do not think it safe for them to go Our reports of conditions inside Spanish territorial waters do not correspond to those which were read out this afternoon That is why we have given that advice If, in spite of that advice, those ships do go, then they will be afforded protection up to the three-mile limit

The House divided Ayes, 130, Noes, 345.

## THE RELEASE OF BELGIUM FROM THE OBLIGATIONS OF THE LOCARNO PACT

*Franco-British Declaration, communicated to the  
Belgium Foreign Minister, April 24, 1937*

IN accordance with instructions received from their respective Governments, his Majesty's Ambassador and the French Ambassador have the honour to make the following communication to the Belgian Government

1 The Governments of the United Kingdom of Great Britain and Northern Ireland and of the French Republic have not failed during the last few months to give their full attention to the desire of the Belgian Government to have the international rights and obligations of Belgium clarified in certain respects where this is rendered necessary by her geographical position and by the delays which may still occur before the negotiation and conclusion of the general act intended to replace the Treaty of Locarno

2 The Government of the United Kingdom and the Government of the Republic, being anxious to give full expression to their sympathy with this desire of the Belgian Government, have agreed to make the following declaration

3 The said Governments have taken note of the views which the Belgian Government has itself expressed concerning the interests of Belgium, and more particularly:

- (1) the determination expressed publicly and on more than one occasion by the Belgian Government (a) to defend the frontiers of Belgium with all its forces against any aggression or invasion, and to prevent Belgian territory from being used, for purposes of aggression against another State, as a passage or as a base of operations by land, by sea, or in the air; (b) to organize the defence of Belgium in an efficient manner for this purpose,

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- (2) the renewed assurances of the fidelity of Belgium to the Covenant of the League of Nations and to the obligations which it involves for Members of the League

4 In consequence, taking into account the determination and assurances mentioned above, the Government of the United Kingdom and the Government of the Republic declare that they consider Belgium to be now released from all obligations towards them resulting from either the Treaty of Locarno or the arrangements drawn up in London on March 19, 1936,<sup>1</sup> and that they maintain in respect of Belgium the undertakings of assistance which they entered into towards her under the above-mentioned instruments

5 The Government of the United Kingdom and the Government of the Republic agree that the release of Belgium from her obligations, as provided for in paragraph 4 above, in no way affects the existing undertakings between the United Kingdom and France

These Notes were forthwith communicated by the Belgian Government to the Italian Ambassador and the German Minister <sup>2</sup>

<sup>1</sup> See no XLVIII, above

<sup>2</sup> On October 13, 1937, Germany gave Belgium assurances of respect for the inviolability and integrity of her territory unless Belgium co-operated in military action against Germany.

## THE BRITISH COMMONWEALTH AND THE PRESERVATION OF PEACE

### *Resolution of the Imperial Conference, June 1937, on Foreign Affairs*

THE representatives of the Governments of the British Commonwealth of Nations gathered in the Conference have in the course of their proceedings had an opportunity of exchanging views upon foreign affairs and the international situation as it affects their respective interests and responsibilities

While no attempt was made to formulate commitments, which in any event could not be made effective until approved and confirmed by the respective Parliaments, the representatives of the Governments concerned found themselves in close agreement upon a number of general propositions which they thought it desirable to set out in the present statement [It was understood and agreed that nothing in this statement should be held to diminish the right of His Majesty's Governments in the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Government of India to advocate and support their statements of policy as submitted to the Assembly of the League of Nations in September, 1936 ]

Thus they agreed that for each member of the Commonwealth the first objective is the preservation of peace. In their view the settlement of differences that may arise between nations and the adjustment of national needs should be sought by methods of co-operation, joint inquiry, and conciliation. It is in such methods, and not in recourse to the use of force between nation and nation, that the surest guarantee will be found for the improvement of international relations and respect for mutual engagements

Holding these views and desiring to base their policies upon the aims and ideals of the League of Nations, they found themselves unanimous in declaring that their respective armaments will never be used for purposes of aggression or for any purpose inconsistent with the Covenant of the League of Nations or the Pact of Paris. At the same time, being impressed with the desirability of strengthening the influence of the League by the enlargement of its membership, they united in expressing the view that this object would be facilitated by the separation of the Covenant from the Treaties of Peace. Observing that in respect of certain regions in which a number of States have special interests, regional agreements of friendship and collaboration between individual members of the British Commonwealth and the other States so interested have been entered upon or may be contemplated, they welcomed all such agreements in so far as they can be made to contribute to the cause of peace, and do not conflict with the Covenant of the League of Nations.

They noted with interest the statement made on behalf of the Australian Delegation at the opening Plenary Meeting that Australia would greatly welcome a regional understanding and pact of non-aggression by the countries of the Pacific, and would be prepared to collaborate to that end with all the peoples of the Pacific region in a spirit of understanding and sympathy. They agreed that if such an arrangement could be made it would be a desirable contribution to the cause of peace and to the continued maintenance of friendly relations in the Pacific, and that it should be the subject of further consultation between Governments.

They all desired earnestly to see as wide a measure of disarmament as could be obtained. At the same time they were agreed that the several Governments of which they are the representatives are bound to adopt such measures of defence as they may deem essential for their security, as well as for the fulfilment of such international obligations as they may respectively have assumed. Being con-



vinced that the influence of each of them in the cause of peace was likely to be greatly enhanced by their common agreement to use that influence in the same direction, they declared their intention of continuing to consult and co-operate with one another in this vital interest and all other matters of common concern

The representatives of the several Governments concerned further had under review the possibility of reviving confidence and increasing the stability of economic and financial conditions in the world, a process which they considered essential to the prosperity of individual countries as well as to international peace. In order to assist in furthering this end, they declared themselves ready to co-operate with other nations in examining current difficulties, including trade barriers and other obstacles, to the increase of international trade and the improvement of the general standard of living

Finally the members of the Conference, while themselves firmly attached to the principles of democracy and to Parliamentary forms of government, decided to register their view that differences of political creed should be no obstacle to friendly relations between Governments and countries, and that nothing would be more damaging to the hopes of international appeasement than the division, real or apparent, of the world into opposing groups

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